herein created; validating all bonds, or other evidence of indebtedness heretofore issued on behalf of Ricardo Independent School District No. 1 as heretofore existing, and all taxes heretofore levied on behalf of said district and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 10, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 225, A bill to be entitled "An Act amending House Bill No. 477 passed at the Regular Session of the Thirty-eighth Legislature so as to add to Hulver Common School District No. 5 in Hall County, Section No. 190, B. S. & F. Lands, detaching the said section from Estelline Independent School District in Hall County, and providing that the adjustment of said school districts and their finances shall be included in the election provided for in said Act of the Thirty-eighth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 10, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your committee on State Affairs, to whom was referred

H. B. No. 210, A bill to be entitled "An Act amending Section 35, Article 7355 of the Revised Civil Statutes of Texas, 1911; providing for an occupation tax on coin operated vending machines such as phonographs, electrical piano, electric battery, graphophone, weighing machine or other like machines or instruments where a fee is charged, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report

the same back to the Senate with the recommendation that it do pass as amended by the committee, and be printed in the Journal only. WITT, Chairman.

Committee Amendment.

Amend House Bill No. 210 by striking out the words and figures "ten (\$10) dollars" wherever they appear in the bill, and in lieu thereof insert the words "five (\$5) dollars."

Committee Amendment.

Amend House Bill No. 210 by adding after Section 1 a new section to be numbered 1a, and to read as follows: "All laws and parts of laws in conflict herewith are hereby repealed."

Committee Room,

Austin, Texas, May 10, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 75, A bill to be entitled "An Act amending Article 2954 of the Revised Civil Statutes of Texas of 1911, providing that citizens of Texas who are qualified electors who will reach the age of twenty-one years after the first day of February and before the day of a following election, shall be entitled to vote at such election without having paid a poll tax and without having obtained an exemption certificate; providing procedure in case the vote of such person is challenged, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to Senate with the recommendation that it do pass and that the bill be printed in the Senate Journal and not otherwise.

DAVIS, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,

Austin, Texas,

Saturday, May 12, 1923.
The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being

present, the following Senators answering to their names:

Bailey Murphy. Baugh. Parr. Pollard. Bledsoe. Bowers. Rice. Burkett. Ridgeway. Clark. Rogers. Cousins. Strong. Darwin, Thomas. Davis. Turner. Doyle. Watts. Fairchild. Wirtz. Floyd. Witt. Lewis, Wood. McMillin. Woods.

Absent-Excused.

Holbrook.

Stuart.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports, petitions and memorials.)

Excused.

Senator Holbrook for today, on account of important business on motion of Senator Bailey.

H. B. No. 177-Set as Special Order.

On motion of Senator Wirtz, H. B. No. 177, known as the "blue sky law" was set as a special order for 3 p. m. today.

(Senator Rogers in the Chair.)

Communication from the State Department of Education.

May 11, 1923.

Honorable T. W. Davidson, State Senate.

Capitol.

My dear Sir:

As State Superintendent of Public Instruction I have been served with a copy of a resolution based upon the report of the Joint Legislative Committee appointed in pursuance House Concurrent Resolution Number Four. This resolution instructs and directs the State Superintendent to take official notice of the report and recommendations of the Joint Legislative Text-book Investigating Committee and to comply with the same.

presents a very serious and perplexing question. It is the duty of the State Superintendent of Public Instruction to administer the school laws of the State in accordance with his oath of office and in all things to act fairly and justly and, in so doing, to further and protect the interests of public education. "Public office is a public trust" and any official is recreant to that trust when he fails to choose a line of action which will result in an economical administration.

Section 1, Article 4, of the State Constitution reads as follows:

"The executive department of the State shall consist of a Governor. who shall be the chief executive officer of the State, a Lieutenant Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and Attorney General.

While it may be argued that the Executive Department is co-ordinate with the Legislative Department and is therefore not subject to its direction, and while the office of State Superintendent of Public Instruction is undoubtedly an executive office, it must be remembered that the office of State Superintendent of Public Instruction was created by the Legislature and is therefore subject to its direction

It is a well-recognized principle of law that the creature can not be superior to the creator and that the agent is subject to the principal. Therefore without attempting to pass upon the legality of the text-book contracts in controversy, I deem it my duty to recognize the authority of the Legislature and hereby notify you and your Honorable Body that I shall endeavor to the best of my ability to obey the instructions contained in the resolutions.

Respectfully submitted,

S. M. N. MARRS, State Superintendent.

On motion of Senator Bailey, the communication was ordered printed in the Journal.

Communication from Attorney General.

Austin, Texas, May 11, 1923 Hon. T. W. Davidson, President of the Senate, Capitol. Dear Sir:

I am in receipt of Simple Resolu-This action of your honorable body tion No. 32, adopted by the Senate on May 9, 1923. As the resolution is an official record of the Senate, I shall not attempt, in this communication, to re-state its provisions, but shall answer only by referring to them.

You are respectfully advised that on account of the short period of time in which I have had to consider this matter, since the resolution called for immediate answer, I am forced to reply without having had the opportunity of seeing a copy of the testimony taken by the Investigating Committee, as I am advised that stenographers are not yet through transcribing same, and, of course, I have not had time to brief the law questions raised by the Investigating Committee. Indeed, I am not yet advised as to what questions were raised and assigned as reasons for the cancellation of the contracts. Yet, to the fullest measure possible, I desire to comply with the request of your Honorable Body and advise you of attitude in regard to this matter.

I note that in Paragraph 3 of the Resolution you direct the Attorney General to take such action, in and out of court, and institute and defend such suits, sue out such injunctions and other writs and other things, as in his judgement shall be best calculated to prevent carrying into execution by any official any of such alleged contracts, or any provisions thereof, or the paying out of any public moneys thereunder, to the end that the State of Texas may be relieved of and from any responsibility or liability under any of such alleged contracts. Under the Constitution I feel that I am forced to construe your direction as a recommendation rather than a direction, for I think that it is beyond controversy that, in this matter, it is not in the power of the Legislature to substitute its judgement for that of the Attorney General in matters belonging to the executive branch of the Government. The provision of Constitution to which I refer is Article 2, Section 1, which reads as fol-

"The powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: Those which are legislative to one, those which are executive to another. and those which are judicial to another; and no person or collection of persons, being of one of these departments, shall exercise any power propsions of law, selected text books and erly attached to either of the others, awarded contracts therefor. All

except in the instances herein expressly permitted."

In view of the fact that the Constitution so clearly prohibits either coordinate branch of the government from assuming control of or directing the business in another coordinate branch, I must conclude that it was not the intention of the House or Senate in the adoption of these resolutions to invade the executive branch of the Government, to which belongs the Attorney General, and to direct that officer in the discharge of his official duties. If this might be done there would be nothing remaining for the Attorney General to do except to follow the direction of the Legislature.

I am forced to make reference to the provisions of the Constitution because, after careful and conscientious consideration of these resolutions, I am compelled to advise you that I cannot, consistent with my conception of official duty and in accord with my oath of office, and the provisions of the Constitution and laws of the State of Texas, as I understand them, and the ethics of the legal profession to which I belong, comply with same to the extent of upholding and defending lofficials of the State in their failure or refusal to recognize or admit the validity, or binding effect, of such alleged contracts, as is required by Section 2 of the resolutions, or to take affirmative action in or out of court, and institute such suits as would prevent the carrying into effect of the provisions of said contracts, as is provided for in paragraph 3 of the Resolution, solely upon this request or direction.

In taking this position, I am impelled by the following reasons:

The Constitution of the State of Texas makes it the duty of the Attorney General to legally advise and legally defend all officers, commissions and departments of the government and all agencies of the government, to defend all contracts entered into by all governmental agencies acting in good faith and without fraud, and in the apparent scope of their governmental duties. The Laws of the State of Texas provide for the creation of the Text-book Commission as a governmental agency of the State, and charge said Commission with the duty to select text books and award contracts

these things were authorized to be done and performed by law, through the Commission. During the performance of the official acts of the Commission, the Attorney General acted in the capacity of legal adviser, as the Constitution directs, aided the Commission in legal matters when called upon, rendered legal opinions on matters coming before the Commission, and, when the text books had been selected and contracts awarded, the Attorney General, as the law requires, drew the contracts, assisted in getting them legally executed by both parties to the contracts, and for the Attorney General at this time to change over to the other side and attempt to set aside contracts written by his department, on the ground of irregularities, would violate proper legal ethics, would be contrary to public policy, and would violate the duty placed upon the Attorney General, to defend the contracts of the State's governmental agencies. For these reasons I feel that I could not conscientiously change sides with respect to these contracts at this stage of the procedure.

Paragraph 3 of the Resolution directs the Attorney General to bring necessary suits for the cancellation of the contracts. Since the Constitution makes the Attorney General the adviser of all officers whose duty it is to perform any act in connection with these contracts, and in view of the general constitutional powers given the Attorney General should suit be instituted for the cancellation of these contracts, it might be urged, and with some reason, that the institution of such suits would operate as a breach of the contracts, and in such case, upon the theory that the State was in court, the parties might seek to reconvene for such damages as might necessarily and properly flow such claimed breach of the contract; and if it should be held that the State was in court for all purposes, a valid judgement might be rendered for such damages, should the contracts be ultimately declared valid. Therefore, I would suggest that the State must be very certain of its grounds for the recision of these contracts before it brings such suits as these res-Thus, once in olutions contemplate. court for this purpose, there is a possibility, under certain authorities, that it might be held to be in court for all proper purposes of such litigation.

As to what is a proper course of procedure will depend upon the facts and circumstances as they are found

to exist at the time, and the Attorney General must be in position at all times to take whatever course he feels it is his duty to take in regard to all matters involving his official duties.

The fact that it has been my pleasure, in all instances heretofore, to comply readily with all requests of the Legislature, and the fact that our relations have been exceedingly pleasant. I beg to assure you that it grieves me very much that, in this matter, I must dissent from the judgment of your Honorable Body.

Very respectfully yours,

W. A. KEELING,

Attorney General.

On motion of Senator Clark, the communication was ordered printed in the Journal.

H. B. No. 236-Vote Reconsidered.

Senator Clark called up the motion to reconsider the vote by which the Senate on yesterday indefinitely postponed further consideration of H. B. No. 236, providing that railroad companies may issue free transportation to certain parties, a motion to reconsider having been spread on the Journal.

Senator Doyle moved to table the motion to reconsider, and the motion was lost.

The motion to reconsider then prevailed.

On motion of Senator Clark, the vote by which the amendment offered by himself on yesterday was adopted, was reconsidered.

Senator Clark withdrew the amendment, and the same amendment was then offered by Senator Rogers.

On motion of Senator Clark, the amendment was tabled.

Senator Doyle offered the following amendment to the bill:

Amend H. B. No. 236 by adding a new section:

"Provided that any preacher riding on a pass, who discusses politics or makes any political speeches, his pass shall be automatically cancelled by law.'

On motion of Senator Davis, the amendment was tabled.

Senator Murphy offered the following amendment to the bill:

Amend H. B. No. 236 by adding after Section 1 the following:

"That any carrier of passengers,

who shall issue transportation to one of the classes mentioned, shall issue free transportation to all of such class who shall so request."

Senator Burkett raised the point of order on further consideration of the bill on the ground that H. B. No. 11 was set as a special order for this hour.

The Chair sustained the point of order.

H. B. No. 11 on Passage to Third Reading.

(Special order.)

The Chair laid before the Senate as special order, on its passage to third reading, H. B. No. 11, providing for the collection of delinquent taxes, the same having been under consideration on yesterday and postponed until 10 o'clock this morning, and made a special order for that hour.

An amendment by Senator Burkett pending.

Senator Burkett withdrew the pending amendment.

Senator Burkett offered the following amendment to the bill:

Amend H. B. No. 11, page 10, by striking out of lines 29 and 30 the following: "and the district clerk shall be entitled to a fee of \$1.50 in each case, to be taxed as costs of suit," and insert the following: "and the district clerk and sheriff shall be entitled to such fees for issuing and serving process as in other civil cases."

The amendment was adopted.

Senator Burkett offered the following amendment to the bill:

Amend H. B. No. 11, page 5, by adding thereto at the end of Section 20a, a new section as follows:

"Sec. 2b. Provided that this Act shall not affect any contracts here-tofore made by newspapers with commissioners courts of counties with reference to the publication of delinquent tax lists under existing laws."

Senator Murphy moved to postpone further consideration of the bill indefinitely, and the motion was lost.

Senator Doyle moved to postpone the bill until after the morning call next Monday, and that it be set as a special order for that hour. The motion was lost.

Senator Thomas moved to table the amendment, and the motion to table was lost.

The amendment by Senator Burkett was then adopted.

Senator Bowers offered the following amendment to the bill:

Amend H. B. No. 11 by striking out all of Article 7691, after the word "ease," on line 22, page 11, and by inserting in lieu thereof the following: "In all counties in this State having a population of fifty thousand or less, according to the last United States census, all of the fees provided for the officers herein mentioned shall be in addition to the fees now allowed by law to such officers and shall not be accounted for by said officers as fees of office; provided that in all counties having a population of over fifty thousand and less than one hundred thousand, according to the last United States census, one-half of all the fees provided for the officers herein mentioned shall be allowed and paid to such officers in addition to the fees now allowed by law to such officers and said one-half of such fees so allowed such officers shall not accounted for by said officers as fees of office, and the other one-half of such fees shall be accounted for by such officers as fees of office; provided further that in all counties having a population of one hundred thousand or over, according to the last United States census, one-fourth of all the fees provided for the officers herein mentioned shall be allowed and paid to such officers in addition to the fees now allowed by law to such officers and said one-fourth of such fees so allowed such officers shall not be accounted for by said officers as fees of office, and the other threefourths of such fees shall be accounted for by such officers as fees of office."

The amendment was adopted. Senator Fairchild offered the following amendment to the bill:

Amend H. B. No. 11, page 15, by adding a new section, "15a, providing this Act shall not repeal any existing laws, but shall only be cumulative of the now existing laws on this subject."

On motion of Senator Burkett, the amendment was tabled.

Senator Fairchild offered the following amendment to the bill:

Amend H. B. No. 11, page 6, by striking out the figures "1908" and inserting the figures "1900" in line 7.

On motion of Senator Burkett, the amendment was tabled.

Senator Burkett moved the previous question on the bill, and the main question was ordered.

 $H.~\tilde{B}.~No.~11$ was then passed to third reading.

H. B. No. 11 on Third Reading.

On motion of Senator Burkett, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 11 was put upon its third reading and final passage by the following vote:

Yeas-21.

| Bailey. | Parr. |
|----------|----------|
| Baugh. | Pollard. |
| Bledsoe. | Ridgeway |
| Bowers. | Rogers. |
| Burkett. | Strong. |
| Cousins. | Thomas. |
| Darwin. | Turner. |
| Davis. | Watts. |
| Doyle. | Wood. |
| Floyd. | Woods. |
| Lewis. | |

Nays—3.

McMillin. Murphy.

Rice.

Present-Not Voting.

Fairchild.

Absent.

Clark. Wirtz. Witt.

. .

Absent-Excused.

Holbrook.

Stuart.

The Chair then laid H. B. No. 11 before the Senate on its third reading and final passage.

The reading of the bill was pending at the time the Senate recessed.

Recess.

On motion of Senator Strong, the Senate at 11:50 a.m. recessed until 2:30 p.m. today.

Afternoon Session.

The Senate met at 2:30 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

Delay in Printing Journals.

Senator Floyd moved that the Sergeant-at-Arms be instructed to notify the printers of the Senate Journal that the Senate desired the Journal to be delivered more promptly.

On motion of Senator Pollard, the motion was tabled.

S. B. No. 32.—Free Conference Committee Requested.

Senator Wood called up S. B. No. 32, with House amendments, and moved that the Senate do not concur in the House amendments, but that a Free Conference Committee be requested.

The motion was adopted.

In accordance with the above action, the Chair announced the appointment of the following Free Conference Committee on the part of the Senate: Senators McMillin, Fairchild, Strong, Clark and Wirtz.

S. R. No. 38.

By Senator Wood:

Whereas, The Conference Committee of the House and Senate have failed to agree upon the differences that exist between the House and the Senate on H. B. No. 1; and

Whereas, The conference committee on the same bill at the Regular Session of the Legislature were unable to agree upon the differences that existed between the House and the Senate on said bill; and

Whereas, A new conference committeee should be appointed on the part of the Senate; now, therefore, be it

Resolved, That the conference committee on the part of the Senate be discharged and that the Lieutenant Governor or the President Pro Tem of the Senate be instructed to appoint a new conference committee on the part of the Senate.

The resolution was read.

Senator Murphy offered the following amendment to the resolution: Amend S. R. No. 38 by naming the same S. C. R. No. ..., and adding "and the House be requested to discharge its conference committee and also appoint a new committee on the part of the House."

Senator Wood moved the previous question on the amendment and the resolution.

Question: Shall the main question be now put?

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas-11.

| Baugh. | Ridgeway. |
|-----------|-----------|
| Bledsoe. | Rogers. |
| Bowers. | Turner, |
| Lewis. | Witt. |
| McMillin. | Wood. |
| Rice | |

Nays-17.

| Bailey. | Murphy. |
|------------|----------|
| Burkett. | Parr. |
| Clark. | Pollard. |
| Cousins. | Strong. |
| Darwin. | Thomas. |
| Davis. | Watts. |
| Doyle. | Wirtz. |
| Fairchild. | Woods. |
| Floyd. | |

Absent-Excused.

Holbrook. Stuart.

Senator Woods moved to postpone further consideration of the resolution until Monday after the morning call.

On motion of Senator Wood, the resolution was laid on the table subject to call.

H. B. No. 11 on Final Passage. (Special order.)

The Senate resumed consideration of H. B. No. 11, providing for the collection of delinquent taxes, the constitutional rule having been suspended this morning and the bill having been placed before the Senate on its third reading and final passage at that time, and the reading of the bill having been pending at the time the Senate recessed at noon.

The bill was read third time. Senator Rice offered the following amendment to the bill:

Amend H. B. No. 11, page 6, lines 6 and 7, by striking out all after the word "paid," in line 6, down to and including the figures "1908" in line 7.

The amendment was adopted by unanimous consent.

Senator Murphy offered the follow-ing amendment to the bill:

Amend H. B. No. 11, page 12, Article 7692, by striking out after the word "county," line 26, to and including line 29.

On motion of Senator Burkett, the amendment was tabled.

Senator Burkett offered the following amenment to the bill:

Amend H. B. No. 11, page 5, line 7, by inserting after the word "county" the following: "Once each week," and strike out the word "two," and insert the word "three."

The amendment was adopted by unanimous consent.

The bill was finally passed.

um was many passed

Reason for Vote.

I was absent at committee meeting, but I request that I be recorded as voting against H. B. No. 11.
STRONG.

S. R. No. 39.

By Senator Darwin:

Whereas, The Honorable Tom Connally of Marlin, a distinguished member of the United States Congress from Texas, is now in the city and is entitled to all consideration at the hands of the Senate; therefore, be it

Resolved, That he be extended the courtesies of the floor while in the city and be invited to address the Senate.

The resolution was read and adopted. The Chair appointed Senators Darwin, Burkett and Wood as a committee to escort Mr. Connally to the President's stand.

Being presented by Senator Darwin, Mr. Connally addressed 'the Senate.

H. B. No. 60-Ordered not Printed.

On motion of Senator Burkett, H. B. No. 60, which was yesterday ordered printed in the Journal, was ordered not printed, and set as a special order following the disposition of H. B. No. 177.

S. B. No. 9-Set as Special Order.

On motion of Senator Floyd, S. B. No. 9 was set as a special order for

next Monday, following the morning call.

S. B. No. 6-Set as Special Order.

On motion of Senator Clark, S. B. No. 6 was set as a special order for next Monday, following the disposition of S. B. No. 9.

H. B. No. 32—Conference Committee Appointed.

Senator Witt moved that the Senate grant the request of the House for a Free Conference Committee on H. B. No. 32.

The motion prevailed.

In accordance with the above action, the Chair announced the appointment of the following Free Conference Committee on the part of the Senate on H. B. No. 32: Senators Witt, Davis, Rogers, Watts and Thomas.

H. B. No. 177 on Second Reading,

The Chair laid before the Senate as special order, on its second reading,

H. B. No. 177, A bill to be entitled "An Act to regulate and supervise and prevent fraud in the sale, purchase and disposition in the State of Texas of stocks, stock certificates, bonds, debentures or other securities and the transaction of business in this State of persons, joint stock companies, brokers, agents, co-partnerships or other companies, individuals or other organizations, offering for sale or selling in this State such securities, excepting companies in-corporated under the laws of the State of Texas, granting additional authority and power to the Railroad Commission of Texas and placing the administration of this Act under its control and supervision; defining what shall constitute violations of this Act and fixing penalties and punishments therefor; making appropriations to carry out the provisions of this Act; specifying that this Act shall be known and cited as the 'Blue Sky Law of Texas'; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time, and the committee report carrying the following substitute bill was adopted: | hereafter be formed or created, or

Committee Substitute. A BILL To Be Entitled

An Act to regulate and supervise and prevent fraud in the sale, purchase and disposition in the State of Texas of stocks, stock certificates, bonds, debentures or other securities and the transaction of business in this State of persons, joint stock companies. brokers, agents, co-partnerships or other companies, individuals or other organizations, offering for sale or selling in this State such securities, including companies hereinafter incorporated under the law of the State of Texas; granting additional authority and power to the Railroad Commission of Texas and placing the administration of this Act under its control and supervision; defining what shall constitute violations of this Act and fixing penalties and punishments therefor; making appropriations to carry out the provisions of this Act; specifying that this Act shall be known and cited as the "Blue Sky Law of Texas"; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The term "stock" as used in this Act shall include the certificates of stock of every corporation, as well as the certificates or any other written instruments evidencing ownership or membership in any joint stock association, common law trust, or any other organization, association, or concern of whatsoever nature, which is organized, formed or created, or intended to be organized, formed or created, which may, or which is designed to own property of any character.

The terms "person," "company." or "concern" shall refer to and include any such concern, or individual, or person who may issue such stock, and whose such stock or certificate shall represent or evidence ownership or membership therein. which ownership or membership may be designed to be transferred, assigned or negotiated by the transfer, assignment or negotiation of such instrument.

Sec. 2. Every concern which shall

which shall hereafter attempt to increase its capital stock, or commence the transaction of business in this State, shall, before offering for sale, directly or indirectly, through itself, its agents, or employees, or through any character of person, or association, whether herein defined or not, holding company, sales company, or otherwise, any stock, stock certificates, bonds, debentures, or other securities, and before transacting any business in this State, except the preparation of instruments hereinafter mentioned and other instruments relative to the organization and transaction of business thereof, file in the office of the Railroad Commission of Texas, together with a fee equal in amount to the filing fee of a private corporation having capital and surplus of like amount, (This requirement the following: shall not apply to corporations, by reason of the existing requirement in respect to the payment of filing fees upon obtaining charters and permit from the Secretary of State.)

An application for a permit to sell any of the securities mentioned herein, or any other securities offered, or to be offered for sale, and for the transaction of any and all other business in this State. Said application must show the name under which such business is to be conducted, its location and general purposes, the age, occupation and general qualifications of such trustees or managing officers, and also fully the business in which each has been engaged for the last five years immediately preceding the filing of such ap-

plication.

(b) A copy of its articles of association, partnership agreement, constitution, by-laws, or any other contract, agreement or other form of organization under which business is to be transacted, and all amendments thereto, showing the county or counties in which such instruments are filed, or to be filed, for record; also showing the capital stock, par value of such stock, price at which same is to be sold, commission to be paid for the sale of same, amount of such stock, or other interest therein issued, or to be issued for promotion, compensation or other purposes.

ties offered, or to be offered for sale, or other disposition, together with copies of application blank for such securities. Such application must show the capital stock, the price at which same is to be sold, the com-mission to be paid for the sale thereof, the amount of such stock or other interest therein issued, or to be issued for promotion, compensation, or other purposes.

(d) A detailed statement showing the assets and liabilities of such issuer, together with a profit and

loss statement.

Any person violating any of the provisions of this section shall be deemed guilty of a felony, and upon conviction thereof, shall be fined in any sum not less than one thousand, nor more than ten thousand dollars and in addition thereto be imprisoned in the State penitentiary for a period of not less than one nor more than five years.

Sec. 3. All the documents mentioned in Section 1 hereof must be subscribed and sworn to by a managing officer, or other active executive, of the issuer, before they are filed with the Railroad Commission of Texas as provided herein.

Sec. 4. In any case wherein the values of the securities hereinbefore mentioned are in any way dependent upon the present, or proposed, development of land or mines, oil or gas wells, the chairman of the Railroad Commission may cause such investigation thereof as he may desire, to be made at the expense of the appli-

Sec. 5. The Railroad Commission of Texas, upon receipt and proper investigation of the information herein provided for shall grant or refuse such permit. If the Railroad Commission shall decide that values warrant and that the sale of stock, or other securities, and the business of the issuer will be conducted honestly and fairly and in compliance with this Act and the General Laws of this State, such permit shall be granted; provided that commissions for the sale of stock or other securties, promotion, and all other incidental expenses shall not, in the aggregate, exceed 20 per cent of the price at which the stock or other, securities are to be sold, as shown by the application or amended applica-tion. Provided, however, that stock (c) Copies of stock certificates, issued for property or other things bonds, debentures, or other securi-lof its equivalent value shall not be

values at which such property is accepted to be approved by the Railroad Commission.

Sec. 6. No permit shall granted to sell any of the securities enumerated in Section 1 hereof of a non-resident or foreign concern, which has not, before permit is issued by the Railroad Commission, filed in the office of the Railroad Commission an instrument constituting and appointing the chairman of the Railroad Commission its true and lawful attorney, upon whom service of process may be served in any action that may be brought against

Provided that where the promoter or promoters of any development proposition for the originator or originators of any patent process, own no assets but a meritorious proposition, he, or they, upon the presentation of proper facts to the Railroad Commission, and securing its approval, and filing a bond as herein required, may, in the discretion of said Commission, secure a permit, conditioned that all moneys received for the sale of stock or units of interest shall be placed in escrow with the Railroad Commission until the proposed amount of stock necessary to finance such undertaking has been sold and the money paid in therefor. The bond herein required shall be executed by such promoter or promoters for the use and benefit of all prospective holders of stock or units. It shall be in amount equal to the amount of stock or units whose sale is permitted, and shall be conditioned that all moneys paid for such stock or units shall be deposited in escrow as herein required, and thereafter faithfully applied. Such bond may be sued upon successively and severally in any county in Texas where plaintiff may reside, and if the whereabouts of any defendant be out of the State or unknown, such suit may be instituted against the sureties only upon such bond. A certified copy of such bond made by the Secretary of the Railroad Commission shall be admissible in evidence in all courts in like manner as the original. In the event of failure to dispose of sufficient stock or units to raise the proposed and necessary amount of money, all money so raised shall be returned by the

classed as promotion stock, the less the actual expenses of selling such stock or units as herein provided; provided that an amount not to exceed 20% thereof shall be allowed as commissions and other expenses incident to the raising of such All expenses incident to money. selling such stock or units, whether all or part thereof have been sold, shall be submitted to the Railroad Commission of Texas by an itemized affidavit of the duly authorized agent of such concern, who shall be personally cognizant of the facts therein set forth, and which affidavit shall be accompanied by vouchers showing all such expenditures.

Sec. 7. Any original document under which a permit has been granted shall not be changed or amended without permission to do so being granted by the Railroad Commission.

Sec. 8. If a permit be refused by the Railroad Commission, the parties applying therefor may bring suit in the District Court of Travis County. Texas, to determine the right of the applicant to have said Railroad Commission to issue such permit.

Sec. 9. Any person, broker, agent, joint stock company, co-partnership or other company, individual or organization, domestic or foreign, sending advertising matter through the mails, by express, telegram, or otherwise in this State offering for sale any of the securities enumerated in Section 1 hereof, without first having been issued a permit as provided in this Act, shall be deemed guilty of having violated the provisions of this Act, and it shall be the duty of the chairman of the Railroad Commission, immediately after discovering such violation, to seek to have a fraud order issued as provided by the laws of the United States affecting the postal service, covering all letters or other matter sent by mail by any such offender named in this section.

Sec. 10. It shall be the duty of the Railroad Commission of Texas to cooperate with the United States District Attorney, and the United States Department of Justice, and the United States postal authorities, in furnishing them with such information, data and evidence as may come to its knowledge of violations of the Federal laws by any of the persons, brokers, agents, joint stock com-Railroad Commission to the investors, | panies, co-partnerships or other companies, individuals or organizations mentioned in Section 9 of this Act.

Sec. 11. The merger, absorption or transfer of property of any com-pany, association, joint stock company, co-partnership or other company, individual or organization, by another coming under the provisions of Section 1 hereof, is declared to be unlawful, unless same is approved by a majority in numbers as well as in value of all stockholders, and then approved by the Railroad Commission of Texas.

Sec. 12. Any person who shall bring about or effect, or who shall assist in bringing about or in effecting, or who shall attempt to bring about or effect, any merger, absorption or transfer of property of any person or concern designated this Act, without the express written consent of a majority in numbers as well as value of the stockholders thereof, shall be deemed guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary for any term not exceeding ten years.

Sec. 13. It shall be unlawful for any concern included in this Act to declare, issue, or pay a cash dividend to its stockholders or any of them out of any funds other than the actual earnings of such company in the course of its operations, except upon the lawful liquidation thereof.

Sec. 14. Any person who shall in any manner participate in declaring, issuing, or paying any cash dividend by, or for, any such concern to any stockholder thereof out of any funds other than the actual earnings or from the lawful liquidation of such company shall be deemed guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary for any term not exceeding ten years.

Sec. 15. The power and authority is hereby vested in the Railroad Commission of Texas, and it is hereby made its duty to perform the powers and authority granted herein, and shall in all things carry out the provisions of this Act.

Sec. 16. The Railroad Commission of Texas shall have power and authority to appoint such employees and clerks as may be necessary to perform the duties herein imposed upon it.

Sec. 17. Any person who shall

made, any false entry in any book, record, instrument, document or paper required by this Act to be filed with the Railroad Commission, of, or for, any concern embraced within the terms of this Act, or shall exhibit any such false entry in or of any such book, record, instrument, document, or paper, with the intention of deceiving any person or official authorized to examine into the affairs of such concern, or who shall knowingly make or publish any false statement of the financial or other condition of such concern shall be deemed guilty of a felony, and upon conviction shall be punished by confinement in the State penitentiary for any term not exceeding ten years.

Sec. 16. If any owner, manager, or executive of any newspaper, or other publication, issued in this State shall knowingly advertise the sale of securities within this State not authorized to be sold within this State as required by this Act, and which under this Act can not be legally sold without a permit from the Railroad Commission of Texas, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars, not more than one thousand dollars, or prisonment in the county jail for a period of not less than ten days, nor more than six months, or by such fine and imprisonment. Every issue of such publication in which such advertisement shall appear shall be deemed to evidence and constitute a separate offense.

Sec. 19. Any person who shall sell, or offer for sale, or in any manner be concerned with selling, or offering for sale, any stock of any concern embraced within the provision of this Act, for whose sale no permit as herein required has been issued shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the penitentiary for any term not exceeding ten years.

Sec. 20. This Act shall not apply to banking, railroad, and building and loan corporations, nor to the stock thereof, nor be construed to, in any manner, affect the existing laws of this State, relating to the regulation of any corporation or concern, what-soever, but, in all respects, shall be cumulative thereof.

Sec. 21. All papers, documents, instruments and affidavits of any and knowingly or willfully subscribe, or every nature, whatsoever, which may make, or cause to be subscribed, or be filed with the Railroad Commission

of Texas by any person or concern in connection with matters provided for in this Act shall be deemed public records of the State, and the Railroad Commission, or any member thereof, or the Secretary thereof is required to give out any information applied for concerning any such matter, or any such instruments, and to give certified copies of any and all such instruments; and the Railroad Commission of Texas shall at least as often as quarterly, publish bulletins summarizing the applications for permits to sell stock under this Act and the conclusions of the Railroad Commission in respect thereto as to whether such concern was solvent and whether, or not, it was or is fraudulent, and whether, or not, such permit was granted, the purpose of this Act, and especially of this Section, being to secure for the benefit of the people the utmost publicity respecting the affairs of concerns whose stock is obtainable by them; no action at law for damages shall lie against the Railroad Commission or any member or employee thereof or any periodical on account of any publication or information herein permitted or required to be given.

Sec. 22. Upon the request of the Railroad Commission of Texas, the Attorney General, or the district attorney or any county attorney of any county in this State shall aid in any investigation, trials and proceedings provided for in this Act, and shall institute and prosecute all such actions or proceedings for the enforcement thereof. The Attorney General shall render to the Railroad Commission of Texas opinions upon all questions of law relating to construction or interpretation of this Act, or arising in the administration thereof that may be submitted to him by the Railroad Commission of Texas, and shall act as the attorney for the Railroad Commission of Texas in all actions and proceedings brought by or against them under or pursuant to any of the provisions of this Act.

Sec. 23. If any section or sub-section of this Act is, for any reason, held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section and sub-section thereof, irrespective of the fact that any one or more sections or subsections be declared unconstitutional.

Sec. 24. This Act shall be known and cited as the "Blue Sky Law of Texas."

Sec. 25. For the purpose of carrying out the purposes of this Act, there is hereby appropriated out of the general funds in the State Treasury not already appropriated, the sum of seventy-five hundred dollars (\$7,500.-00), or so much thereof as may be necessary, and which said appropriation shall be available for the use of the Railroad Commission of Texas for the fiscal year ending September 1, 1923, and September 1, 1924. The State Board of Control, out of the appropriation here made, shall have authority, upon the requisition of the Railroad Commission to purchase the necessary office supplies and other equipment necessary for the organization and operation of the said work as contemplated by this Act, and otherwise carry out the purpose of this Act.

Sec. 26. All salaries under this Act shall be paid upon warrants drawn by the Comptroller upon the State Treasury. Other expenses incident to the enforcement of this Act shall be paid by like warrants issued upon a duly verified statement of the persons entitled thereto, and with the approval of the Commission endorsed thereon.

Sec. 27. Any person violating any provision of this Act not covered by a specific penalty herein, shall be deemed guilty of a felony and upon conviction thereof shall be fined in any sum not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) and in addition thereto may be imprisoned in the State penitentiary for a period of not less than one (1) nor more than five (5) years, or by both such fine and imprisonment.

Sec. 28 The fact that Texas has in recent years been flooded with worthless securities, issued and sold by irresponsible parties to the people of this State, resulting in great loss to investors, especially wage earners, a class least able to stand such losses, and the fact that many companies have organized and made their domicile, or home office in this State, and sold worthless securities through the mails and otherwise, to people in other states by reason of inadequate laws in this State, calls for the enactment of laws to protect the citizens of Texas from such wastes and impositions, and creates an emergency and public

necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senator Wirtz offered the follow-

ing amendments to the bill:

Amend the committee substitute to H. B. No. 177 by striking out of Section 2 the words "stock certificates, bonds, debentures, or other securities," appearing at the bottom of page 451 and the top of page 452 of said committee substitute as printed in the Senate Journal; and in lieu of the words stricken out insert the following: "as defined in Section 1 of this Act."

(2)

Amend the committee substitute to H. B. No. 177 by adding after the word "requirement," line 13, page 452, left-hand column of the Senate Journal, the following: "as to fees."
(3)

Amend the committee substitute to H. B. No. 177 by striking out of Section 9, line 26, page 453, right hand column of the Senate Journal, the word "in," and in lieu thereof, insert the following: "wholly within."

(4)Amend the committee substitute to H. B. No. 177, Section 11, page 453, of the Senate Journal, by striking out the line at the bottom of the right hand column in said page; the line at the top of page 454 in the left hand column; and the words "approved by" in the second line of said column; adding a "comma" after the word "Texas" at the end of Section 11, and adding the following: "after notice to all stockholders of the interested companies mailed 30 days in advance of said merger, and approved by the holders of a majority in amount of the outstanding and issued stock."

(5)

Amend the committee substitute to H. B. No. 177 by striking out of Section 12, page 454, beginning after the word, "Act," in line 11 in the left hand corner, the following words: "without the express written consent of a majority in numbers, as well as value, of the stockholders thereof," and in lieu thereof insert the following: "in violation of Section 11 hereof."

(6)

Amend the committee substitute to H. B. No. 177 by adding after the word "banking" in Section 20, line 43, right hand column of page 454 of Senate Journal, the following: "corporation, or concern named in S. B. No. 52, passed at the Regular Session of the Thirty-eighth Legislature, known as the Private Banking Bill."

The amendments were adopted. Senator Bailey offered the follow-

ing amendment to the bill:

Amend committee substitute for H. B. No. 177 by adding the following after Section 6 of such committee substitute:

"Sec. 6a. In order to avoid undue restrictions upon the handling of stock, as the term stock is defined in Section 1 hereof, of solvent concerns, it is provided that any concern which has been a solvent going concern for a period of two years next preceding the date of any ap-plication named in this section, may submit to the Secretary of State satisfactory evidence of such fact and of its present sound solvent condition; whereupon the Secretary of State shall consider the same and shall require such further evidence. and may make such independent investigation as it may deem proper, concerning such matter. If upon full consideration thereof it shall conclude that such concern has been a solvent going concern for a period of two years and is at present solvent, it shall enter such finding upon its record, whereupon the proposed issue and sale of such stock, debentures or other securities as in this Act defined of such concern shall be exempted from the general requirements of this Act.

The amendment was adopted.

(President Pro Tem Murphy in the Chair.)

Senators Witt, McMillin and Darwin offered the following amendment to the bill:

Amend H. B. No. 177 by amending committee substitute as follows: By striking from same in the bill and caption thereof the words "Railroad Commission of Texas," "Railroad Commission," "Railroad Commissioner," "Chairman of the Railroad," and "Secretary of the Railroad Commission," and substitute for each of said

group of words, wherever they appear, the following: "Secretary of State."

The amendment was adopted. Senator Davis offered the follow-

ing amendment to the bill:

Amend the committee substitute for H. B. No. 177 by adding another section to be known as "Section 29," to read as follows: "Section 29, Chapter 32, Acts of the First Called Session of the Thirty-third Legislature, on page 66 of said Session Acts, is hereby expressly repealed."

The amendment was adopted.

Senator Davis offered the following

amendment to the bill:

Amend committee substitute to H. B. No. 177, page 454, Senate Journal, Section 20, second line, between word "railroad" and "and," by inserting the words "public services."

On motion of Senator Wirtz, the

amendment was tabled.

The bill was then passed to third reading.

H. B. No. 177 on Third Reading.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 177 was put on its third reading and final passage by the following vote:

Yeas-27.

| Bailey. | Murphy. |
|------------|-------------------|
| Baugh. | Parr. |
| Bledsoe. | Pollard. |
| Bowers. | Rice. |
| Burkett. | Rogers. |
| Clark. | Strong. |
| Cousins. | Thomas. |
| Darwin. | Turner. |
| Davis. | Watts. |
| Doyle. | Wirtz. |
| Fairchild. | Witt. |
| Floyd. | Wood. |
| Lewis. | $\mathbf{Woods}.$ |
| McMillin. | |

Absent. Ridgeway.

Absent—Excused.

Holbrook.

Stuart.

The Chair then laid H. B. No. 177 before the Senate on its third reading and final passage.

The bill was read third time and

passed.

H. B. No. 5—Free Conference Committee Report.

Senator Bailey called up the Free Conference Committee report on H. B. No. 5.

The Chair laid before the Senate the report of the Free Conference Committee, which was read as follows:

Committee Room,

Austin, Texas, May 11, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Hon. T. W. Davidson, President of the Senate.

Sirs: We, your Conference Committee on H. B. No. 5, have had same under consideration, and beg leave to report to you that we have settled the differences between the House and the Senate and submit the following substitute bill and recommend its passage:

H. B. No. 5.

A BILL
To be Entitled

An Act making appropriation to pay salaries of Judges, and the support of the Judicial Department of the State Government for the two years beginning September 1, 1923, and ending August 31, 1925.

Be it enacted by the Legislature of

the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to pay salaries of Judges and for the support of the Judicial Department of the State Government for the years ending August 31, 1924, and August 31, 1925:

JUDICIARY.

For the years ending August 31 August 31 1924 1925

Supreme Court.

| Salaries of: | | |
|----------------|--------------|--------------------------|
| Three Judges | 19,500.00 \$ | 19,500.00 |
| Clerk of Court | 2,500.00 | 2,5 00. 00 |

| | | |
|---|----------------------------------|--------------------------------|
| · | For the yea August 31 1924 | rs ending August 31 1925 |
| Reporter\$ | 3,000.00 \$ | 3,000.00 |
| Stenographers and Law Clerks, three | 5,400,00 | 5,400.00 |
| Assistant Librarian and Marshal | 1,500.00 | 1,500.00 |
| Porter, Judge's rooms | 600.00 | 600.00 |
| Dorton sourt noom Clark's office and library | 720.00 | 720.00 |
| Porter, court room, Clerk's office and library Furniture, record books, stationery, typewriters, | | |
| postage and express | 2,000.00 | 2,000.00 |
| chased by the Court, and for rebinding The Deputy Clerk shall receive as compensation for acting Secretary to Board of Legal Examiners the sum of \$500.00 per annum, such compensation shall be paid monthly out of the fees of the Clerk's | 3,000.00 | 3,000.00 |
| office | 500.00 | 500.00 |
| Contingent expenses | 300.00 | 300.00 |
| Total for Supreme Court\$ | 39,020.00 \$ | 39,020.00 |
| Commission of Appeals. | | |
| Salaries of: | | |
| Six Judges, at \$6,500.00 per annum each\$ | 39,000.00 \$ | 32,500.00 |
| Stenographers, two | 3,000.00 | 2,500.00 |
| Porter | 720.00 | 600.00 |
| Record books, rental on law books, stationery, telephone, postage and contingent expenses | 900.00 | 750.00 |
| Total for Commission of Appeals\$ | | 36,350.00 |
| Court of Criminal Appeals. | 10,020.00 ψ | 00,000.00 |
| • | | |
| Salaries of: | | |
| Three Judges | 19,500.00 \$ | 19,500.00 |
| Bailiff and stenographer | 1,800.00 | 1,800.00 |
| Stenographers, two | 3,600.00 | 3,600.00 |
| Reporter | 3,000.00 | 3,000.00 |
| Clerk | 3,000.00 | 3,000.00 |
| Porter | 720.00 | 720.00 |
| Postage and box rent | 250.00 | 250.00 |
| Law books | 500.00 | 500.00 |
| Record books and stationery | 600.00 | 600.00 |
| Contingent expenses | 200.00 | 200.00 |
| Furniture, files and for pictures of the deceased | 200.00 | 200.00 |
| Judges | 300.00 | 300.00 |
| Telephone | 132.00 | 132.00 |
| Total Court of Criminal Appeals\$ | 33,602.00 \$ | 33,602.00 |
| Assistant Attorney General, Court of Criminal Appeals. | | |
| Salaries of: | | |
| Assistant Attorney General to the Court of Criminal | | |
| Appeals | 3,600.00 \$ | 3,600.00 |
| Second Assistant Attorney General | 3,000.00 | 3,000,00 |
| Law clerk and stenographer | 1,800.00 | 1,800.00 |
| bought by him | 100.00 | 100.00 |
| Postage and box rent | 75.00 | 75.00 |
| Contingent expenses | 50.00 | 50.00 |
| Telephone | 60.00 | 60.0 0 |
| TOOPMOND | 00.00 | 00,00 |

| Court of Civil Appeals. Third District, Austin. Salaries of: \$ 15,000.00 \$ 15,000.00 Three Judges \$ 3,000.00 Clerk of Court 3,000.00 Deputy Clerk 1,500.00 Stenographer 1,500.00 Porter 600.00 Bailiff 100.00 Record books and stationery 200.00 Ice, telephone and express 100.00 Postage and box rent 200.00 Contingent expenses 100.00 Law books for library 455.00 Three typewriters 300.00 | | For the ye August 31 1924 | | s ending August 31 1925 |
|--|--|---------------------------------|----|-------------------------------|
| Salaries of: Three Judges | | | | |
| Salaries of: Three Judges | Total | 8,955.00 | \$ | 8,685.00 |
| Three Judges | Court of Civil Appeals, First District, Galveston, | | | |
| Clerk of Court | | 15 000 00 | • | 15 000 00 |
| Deputy Clerk of Court | | | Þ | |
| Stenographer | | • | | |
| Bailiff | | | | |
| Porter | | | | |
| Books for library, to be selected and purchased by the Court. | | | | |
| Postage and box rent. | Books for library, to be selected and purchased by | | | |
| Books and stationery | | | | |
| Furniture and typewriters. 110.00 110.00 Fuel, light and ice. 350.00 350.00 Contingent expenses 100.00 100.00 Total \$23,110.00 \$23,110.00 Court of Civil Appeals, Second District, Fort Worth. Salaries of: Three Judges \$15,000.00 \$15,000.00 Clerk 3,000.00 1,500.00 Stenographer 1,500.00 1,500.00 Stenographer 1,500.00 1,500.00 Bailiff 100.00 100.00 Porter 6,000.00 600.00 Contingent expenses 100.00 200.00 Repairs and furniture 200.00 200.00 Repairs and furniture 100.00 100.00 For rugs and floor covering for office and library 500.00 Telephone and ice 125.00 125.00 For binding books 525.00 Total \$23,850.00 \$22,825.00 Court of Civil Appeals, Third District, Austin. Salaries of: Three Judges \$15,000.00 \$15,000.00 Deputy Clerk 1,500.00 \$100.00 Deputy Clerk 1,500.00 \$15,000.00 Deputy Cl | | | | - |
| Fuel, light and ice Contingent expenses 100.00 Total Total * 23,110.00 \$ 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 23,110.00 * 20,000 * 3,000.00 | | | | |
| Contingent expenses 100.00 100.00 Total \$ 23,110.00 \$ 23,110.00 Court of Civil Appeals, Second District, Fort Worth. Salaries of: Three Judges \$ 15,000.00 \$ 15,000.00 Clerk 3,000.00 3,000.00 Deputy Clerk 1,500.00 1,500.00 Stenographer 1,500.00 100.00 Porter 600.00 600.00 Books for library 300.00 300.00 Contingent expenses 100.00 100.00 Postage and box rent 200.00 200.00 Record books and stationery 300.00 300.00 Repairs and furniture 100.00 100.00 For rugs and floor covering for office and library 500.00 Telephone and ice 125.00 125.00 For binding books 525.00 125.00 Total \$ 23,850.00 \$ 22,825.00 Clerk of Court 3,000.00 3,000.00 Clerk of Court 3,000.00 3,000.00 Stenographer <td></td> <td></td> <td></td> <td></td> | | | | |
| Total . \$ 23,110.00 \$ 23,110.00 Court of Civil Appeals, Second District, Fort Worth. Salaries of: Three Judges . \$ 15,000.00 \$ 15,000.00 Clerk . 3,000.00 3,000.00 Deputy Clerk . 1,500.00 1,500.00 Bailiff . 100.00 100.00 Porter . 600.00 600.00 Contingent expenses . 100.00 100.00 Postage and box rent . 200.00 200.00 Repairs and furniture . 100.00 100.00 For rugs and floor covering for office and library . 500.00 For binding books . 525.00 Total . \$ 23,850.00 \$ 22,825.00 Court of Civil Appeals. Third District, Austin. Salaries of: Three Judges . \$ 15,000.00 \$ 15,000.00 Clerk of Court . 3,000.00 3,000.00 Stenographer . 1,500.00 1,500.00 Clerk of Court . 3,000.00 3,000.00 Stenographer . 1,500.00 1,500.00 Clerk of Court . 600.00 600.00 Clerk . 600.00 600.00 Cl | | | | |
| Court of Civil Appeals, Second District, Fort Worth. Salaries of: | - | | _ | |
| Salaries of: | 10tal | 23,110.00 | Þ | 23,110.00 |
| Three Judges | | | | |
| Clerk | | | _ | |
| Deputy Clerk | | | | |
| Stenographer 1,500.00 1,500.00 Bailiff 100.00 100.00 Porter 600.00 600.00 Books for library 300.00 300.00 Contingent expenses 100.00 100.00 Postage and box rent 200.00 200.00 Record books and stationery 300.00 300.00 Repairs and furniture 100.00 100.00 For rugs and floor covering for office and library 500.00 Telephone and ice 125.00 125.00 For binding books 525.00 125.00 Total \$ 23,850.00 \$ 22,825.00 Court of Civil Appeals, Third District, Austin. 3,000.00 \$ 3,000.00 Salaries of: 15,000.00 \$ 15,000.00 \$ 3,000.00 Clerk of Court 3,000.00 \$ 0,000.00 \$ 0,000.00 Deputy Clerk 1,500.00 1,500.00 \$ 0,000.00 Stenographer 1,500.00 100.00 100.00 Bailiff 100.00 100.00 100.00 Record books and stationery 200.00 200.00 200.00 Cot | | | | |
| Bailiff 100.00 100.00 Porter 600.00 600.00 Books for library 300.00 300.00 Contingent expenses 100.00 100.00 Postage and box rent 200.00 200.00 Record books and stationery 300.00 300.00 Repairs and furniture 100.00 100.00 For rugs and floor covering for office and library 500.00 Telephone and ice 125.00 For binding books 525.00 Total \$ 23,850.00 \$ 22,825.00 Court of Civil Appeals, Third District, Austin. Salaries of: Three Judges 15,000.00 \$ 15,000.00 Clerk of Court 3,000.00 3,000.00 Stenographer 1,500.00 1,500.00 Porter 600.00 600.00 Bailiff 100.00 100.00 Record books and stationery 200.00 200.00 Postage and box rent 200.00 200.00 Contingent expenses 100.00 100.00 Law books for lib | | • | | |
| Porter | • | | | * . |
| Books for library 300.00 300.00 Contingent expenses 100.00 100.00 100.00 200. | | | | |
| Contingent expenses 100.00 100.00 Postage and box rent 200.00 200.00 Record books and stationery 300.00 300.00 Repairs and furniture 100.00 100.00 For rugs and floor covering for office and library 500.00 125.00 Telephone and ice 125.00 125.00 For binding books 525.00 125.00 Court of Civil Appeals, Third District, Austin. Salaries of: 15,000.00 \$ 15,000.00 Three Judges \$ 15,000.00 \$ 15,000.00 \$ 15,000.00 Clerk of Court 3,000.00 3,000.00 \$ 15,000.00 Stenographer 1,500.00 1,500.00 \$ 15,000.00 Stenographer 1,500.00 1,500.00 \$ 200.00 Porter 600.00 600.00 600.00 Bailiff 100.00 100.00 Record books and stationery 200.00 200.00 Postage and box rent 200.00 200.00 Contingent expenses 100.00 100.00 Law books for library | | | | |
| Postage and box rent 200.00 200.00 Record books and stationery 300.00 300.00 Repairs and furniture 100.00 100.00 For rugs and floor covering for office and library 500.00 Telephone and ice 125.00 125.00 For binding books 525.00 Total \$ 23,850.00 \$ 22,825.00 Court of Civil Appeals, Third District, Austin. Salaries of: Three Judges \$ 15,000.00 \$ 15,000.00 Clerk of Court 3,000.00 3,000.00 Deputy Clerk 1,500.00 1,500.00 Stenographer 0,000.00 1,500.00 Porter 600.00 600.00 Record books and stationery 200.00 200.00 Ice, telephone and express 100.00 100.00 Postage and box rent 200.00 200.00 Contingent expenses 100.00 100.00 Law books for library 455.00 200.00 For chairs 250.00 70.00 Three typewriters 300.00 300.00 | · · · · · · · · · · · · · · · · · · · | | | |
| Record books and stationery 300.00 300.00 Repairs and furniture 100.00 100.00 For rugs and floor covering for office and library 500.00 125.00 Telephone and ice 125.00 125.00 For binding books 525.00 525.00 Total \$ 23,850.00 \$ 22,825.00 Court of Civil Appeals, Third District, Austin. 500.00 \$ 15,000.00 Salaries of: 15,000.00 \$ 15,000.00 Three Judges \$ 15,000.00 \$ 1,500.00 Clerk of Court 3,000.00 \$ 1,500.00 Stenographer 1,500.00 \$ 1,500.00 Stenographer 600.00 \$ 600.00 Bailiff 100.00 \$ 100.00 Record books and stationery 200.00 \$ 200.00 Ice, telephone and express 100.00 \$ 100.00 Postage and box rent 200.00 \$ 200.00 Contingent expenses 100.00 \$ 100.00 Law books for library 455.00 \$ 200.00 Three typewriters 300.00 | | | | |
| Repairs and furniture 100.00 100.00 For rugs and floor covering for office and library 500.00 125.00 Telephone and ice 125.00 125.00 For binding books 525.00 525.00 Total \$ 23,850.00 \$ 22,825.00 Court of Civil Appeals, Third District, Austin. 500.00 \$ 15,000.00 Salaries of: 3,000.00 \$ 15,000.00 Three Judges 1,500.00 \$ 1,500.00 Clerk of Court 3,000.00 \$ 1,500.00 Stenographer 1,500.00 \$ 1,500.00 Stenographer 600.00 \$ 600.00 Bailiff 100.00 \$ 100.00 Record books and stationery 200.00 \$ 200.00 Ice, telephone and express 100.00 \$ 100.00 Postage and box rent 200.00 \$ 200.00 Contingent expenses 100.00 \$ 100.00 Law books for library 455.00 \$ 200.00 Three typewriters 300.00 | | | | |
| For rugs and floor covering for office and library 500.00 Telephone and ice 125.00 For binding books 525.00 Total \$ 23,850.00 \$ 22,825.00 Court of Civil Appeals, Third District, Austin. Salaries of: Three Judges \$ 15,000.00 \$ 15,000.00 Clerk of Court 3,000.00 Deputy Clerk 1,500.00 Stenographer 1,500.00 Porter 600.00 Bailiff 100.00 Record books and stationery 200.00 Ice, telephone and express 100.00 Postage and box rent 200.00 Contingent expenses 100.00 Law books for library 455.00 Three typewriters 300.00 | | | | |
| Telephone and ice. 125.00 For binding books. 525.00 Total \$ 23,850.00 \$ 22,825.00 Court of Civil Appeals. Third District, Austin. Salaries of: Three Judges \$ 15,000.00 \$ 15,000.00 Clerk of Court 3,000.00 Deputy Clerk 1,500.00 Stenographer 1,500.00 Porter 600.00 Bailiff 100.00 Record books and stationery 200.00 Ice, telephone and express 100.00 Postage and box rent 200.00 Contingent expenses 100.00 Law books for library 455.00 Three typewriters 300.00 | | | | 200.00 |
| For binding books 525.00 Total \$ 23,850.00 \$ 22,825.00 Court of Civil Appeals, Third District, Austin. Salaries of: Three Judges \$ 15,000.00 \$ 15,000.00 Clerk of Court 3,000.00 3,000.00 3,000.00 1,500.00 1,500.00 1,500.00 1,500.00 600.00 | | | | 125.00 |
| Court of Civil Appeals. Third District, Austin. Salaries of: \$ 15,000.00 \$ 15,000.00 Three Judges \$ 3,000.00 \$ 3,000.00 Clerk of Court 3,000.00 \$ 1,500.00 Deputy Clerk 1,500.00 \$ 1,500.00 Stenographer 600.00 \$ 600.00 Bailiff 100.00 \$ 100.00 Record books and stationery 200.00 \$ 200.00 Ice, telephone and express 100.00 \$ 100.00 Postage and box rent 200.00 \$ 200.00 Contingent expenses 100.00 \$ 100.00 Law books for library 455.00 \$ 200.00 For chairs 250.00 Three typewriters 300.00 | | | | |
| Salaries of: \$ 15,000.00 \$ 15,000.00 Clerk of Court 3,000.00 3,000.00 Deputy Clerk 1,500.00 1,500.00 Stenographer 1,500.00 1,500.00 Porter 600.00 600.00 Bailiff 100.00 100.00 Record books and stationery 200.00 200.00 Ice, telephone and express 100.00 100.00 Postage and box rent 200.00 200.00 Contingent expenses 100.00 100.00 Law books for library 455.00 200.00 For chairs 250.00 Three typewriters 300.00 | Total | 23,850.00 | \$ | 22,825.00 |
| Three Judges \$ 15,000.00 \$ 15,000.00 Clerk of Court 3,000.00 3,000.00 Deputy Clerk 1,500.00 1,500.00 Stenographer 1,500.00 1,500.00 Porter 600.00 600.00 Bailiff 100.00 100.00 Record books and stationery 200.00 200.00 Ice, telephone and express 100.00 100.00 Postage and box rent 200.00 200.00 Contingent expenses 100.00 100.00 Law books for library 455.00 200.00 For chairs 250.00 Three typewriters 300.00 | Court of Civil Appeals, Third District, Austin. | | | |
| Clerk of Court 3,000.00 3,000.00 Deputy Clerk 1,500.00 1,500.00 Stenographer 1,500.00 1,500.00 Porter 600.00 600.00 Bailiff 100.00 100.00 Record books and stationery 200.00 200.00 Ice, telephone and express 100.00 100.00 Postage and box rent 200.00 200.00 Contingent expenses 100.00 100.00 Law books for library 455.00 200.00 For chairs 250.00 Three typewriters 300.00 | | | | |
| Deputy Clerk 1,500.00 1,500.00 Stenographer 1,500.00 1,500.00 Porter 600.00 600.00 Bailiff 100.00 100.00 Record books and stationery 200.00 200.00 Ice, telephone and express 100.00 100.00 Postage and box rent 200.00 200.00 Contingent expenses 100.00 100.00 Law books for library 455.00 200.00 For chairs 250.00 Three typewriters 300.00 | | 15,000.00 | \$ | 15,000.00 |
| Stenographer 1,500.00 1,500.00 Porter 600.00 600.00 Bailiff 100.00 100.00 Record books and stationery 200.00 200.00 Ice, telephone and express 100.00 100.00 Postage and box rent 200.00 200.00 Contingent expenses 100.00 100.00 Law books for library 455.00 200.00 For chairs 250.00 Three typewriters 300.00 | | | | |
| Porter 600.00 600.00 Bailiff 100.00 100.00 Record books and stationery 200.00 200.00 Ice, telephone and express 100.00 100.00 Postage and box rent 200.00 200.00 Contingent expenses 100.00 100.00 Law books for library 455.00 200.00 For chairs 250.00 Three typewriters 300.00 | | | | |
| Bailiff 100.00 100.00 Record books and stationery 200.00 200.00 Ice, telephone and express 100.00 100.00 Postage and box rent 200.00 200.00 Contingent expenses 100.00 100.00 Law books for library 455.00 200.00 For chairs 250.00 Three typewriters 300.00 | | | | |
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| Postage and box rent 200.00 200.00 Contingent expenses 100.00 100.00 Law books for library 455.00 200.00 For chairs 250.00 Three typewriters 300.00 | | | | |
| Contingent expenses 100.00 100.00 Law books for library 455.00 200.00 For chairs 250.00 Three typewriters 300.00 | Destaga and bar next | | | |
| Law books for library 455.00 200.00 For chairs 250.00 Three typewriters 300.00 | Contingent expenses | | | |
| For chairs | Low books for library | - | | |
| Three typewriters | Law 900KS (Of 1191ar) | | | 400.00 |
| | Three typewriters | | | |
| THE ROLL OF THE PARTY OF THE PA | One Fee book | 65.00 | | |

| One Lewworld negative healt | For the yea August 31 1924 35.00 | rs ending August 31 1925 |
|--|---|--------------------------------|
| One Lawyer's receipt book\$ | | |
| Total | \$ 23,405.00 | \$22,530.00 |
| Court of Civil Appeals, Fourth District, San Antonio. | | |
| Salaries of: | 4F 000 00 0 | # F 000 00 |
| Three Judges | 15,000.00 \$ | |
| Clerk | 3,000.00 | 3,000.00 |
| Deputy Clerk | 1,500.00 1,500.00 | 1,500.00 1.500.00 |
| Bailiff | 100.00 | 100.00 |
| Porter | 600.00 | 600.00 |
| Postage and box rent | 200.00 | 200.00 |
| Record books and stationery | 300.00 | 300.00 |
| Books for library | 300.00 | 300.00 |
| Telephone, express and ice | 100.00 | 100.00 |
| Furniture | 100.00 | 100.00 |
| Contingent expenses | 75.00 | 75.00 |
| Total\$ | 22,775.00 \$ | 22,775.00 |
| Court of Civil Appeals, Fifth District, Dallas. | | |
| Salaries of: | | |
| Three Judges | 15,000.00 \$ | 15,000.00 |
| Clerk of Court | 3,000.00 | 3,000.00 |
| Deputy Clerk | 1,500.00 | 1,500.00 |
| Stenographer | 1,500.00 | 1,500.00 |
| Bailiff | 100.00 | 100.00 |
| Porter | 600.00 | 600.00 |
| Record books and stationery | 200.00 | 200.00 |
| Books for library | 300.00 | 300.00 |
| Postage and box rent | 150.00 | 150.00 |
| Contingent expenses | 75.00 | 75.00 |
| Telephone and ice | 200.00 | 200,00 |
| Total | 22,625.00 \$ | 22,625.00 |
| Court of Civil Appeals, Sixth District, Texarkana. | | · |
| Salaries of: | | |
| Three Judges | 15,000.00 \$ | 15,000.00 |
| Clerk of Court | 3,000.00 | 3,000.00 |
| Deputy Clerk | 1,500.00 | 1,500.00 |
| Stenographer | 1,500.00 | 1,500.00 |
| Bailiff | 100.00 | 100.00 |
| Porter | 600.00 | 600.00 |
| Record books and stationery | 200.00 | 200.00 |
| Postage and box rent | 150.00 | 150.00 |
| Book cases, furniture and typewriters | 250.00 | 250.00 |
| Books for library | $300.00 \\ 100.00$ | 300.00 100.00 |
| Total | 22,700.00 \$ | 22,700.00 |
| Court of Civil Appeals, Seventh District, Amarillo. | | |
| Salaries of: | | |
| Three Judges | 15,000.00 \$ | 15,000.00 |
| 25—Jour. | · | |

| | For the yea August 31 1924 | urs ending August 31 1925 |
|--|----------------------------------|---------------------------------|
| Clerk of Court | 3,000.00 \$ | 3,000,00 |
| Deputy Clerk | 1,500.00 | 1.500.00 |
| Stenographer | 1,500.00 | 1,500.00 |
| Bailiff | 100.00 | 100.00 |
| Porter | 600,00 | 600.00 |
| Record books and stationery | 200.00 | 200,00 |
| Postage and box rent | 150.00 | 150.00 |
| Telephone, fuel and ice | 125.00 | 125.00 |
| Books for library | 300.00 | 300,00 |
| Contingent expenses | 100.00 | 100.00 |
| Two typewriters | 175.00 | |
| Total | 22,750.00 \$ | 22,575.00 |
| Court of Civil Appeals, Eighth District, El Paso. | | |
| Salaries of: | | |
| Three Judges | 15,000.00 \$ | |
| Clerk of Court | 3,000.00 | 3,000.00 |
| Deputy Clerk | 1,500.00 | 1,500.00 |
| Stenographer | 1,500.00 | 1,500.00 |
| Bailiff | 100.00 | 100.00 |
| Porter | 600.00 | 600.00 |
| Record books and stationery | 200.00 | 200.00 |
| Books for library to be selected and purchased by | | |
| the Court | 300.00 | 300.00 |
| Postage and box rent | 150.00 | 150.00 |
| Typewriters | 100.00 | 100.00 |
| Telephone, ice and fuel | 200.00 | 200.00 |
| Contingent expenses | 100.00 | 100.00 |
| Furniture | 100.00 | 100.00 |
| Total | 22,850.00 | 22,850.00 |
| Court of Civil Appeals, Ninth District, Beaumont. | | |
| Salaries of: | | |
| Three Judges | 15,000.00 \$ | |
| Clerk of Court | 3,000.00 | 3,000.00 |
| Deputy Clerk | 1,500.00 | 1,500.00 |
| Stenographer | 1,500.00 | 1,500.00 |
| Bailiff | 100.00 | 100.00 |
| Porter | 600.00 | 600.00 |
| Books for library | 300.00 | 300.00 |
| Contingent expenses | 100.00 | 100.00 |
| Postage and box rent | 150.00 | 150.00 |
| Record Books and Stationery | 200.00 | 200.00 |
| Furniture and typewriters | 150.00 | 150.00 |
| Telephone, ice, lights and fuel | 150.00 | 150.00 |
| Total | 22,750.00 \$ | 22,750.00 |
| Court of Civil Appeals, Tenth District, Waco. | | |
| Salaries of: | _ | |
| Three Judges | 15,000.90 \$ | |
| Clerk of Court | 3,000,00 | 3,000.00 |
| Deputy Clerk | 1,500.00 | 1,500.00 |
| Stenographer | 1,500.00 | 1,500.00 |
| Bailiff | 100.00 | 100.00 |

| | For the years ending | |
|--|----------------------|-------------------|
| | August 31 1924 | August 31 1925 |
| Porter\$ | 600.00 \$ | 600.00 |
| Postage and box rent | 150.00 | 150.00 |
| Telephone, ice, light and fuel | 150.00 | 150.00 |
| Books for library to be selected and purchased by | | |
| the Court | 800.00 | 800.00 |
| Record Books and Stationery | 700.00 | 700.00 |
| Filing cases and furniture | 1,000.00 | |
| Three typewriters | 300.00 | |
| Contingent expenses | 200.00 | 200.00 |
| Total | 25,000.00 \$ | 23,700.00 |
| Court of Civil Appeals, Eleventh District, Eastland. | | |
| Salaries of: | | |
| Three Judges\$ | 15,000.00\$ | 15,000.00 |
| Clerk of the Court | 3,000.00 | 3,000.00 |
| Stenographer | 1,500.00 | 1,500.00 |
| Bailiff | 100.00 | 100.00 |
| Porter | 600.00 | 600.00 |
| Record books and stationery | 700.00 | 200.00 |
| Books for library | 800.00 | 300.00 |
| Postage and box rent | 150.00 | 150.00 |
| Contingent expenses | 75.00 | 75.00 |
| Telephone and ice | 100.00 | 100.00 |
| Three typewriters | 300.00 | |
| Filing cases and furniture | 1,000.00 | |
| Total | 23,325.00 \$ | 21,025.00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

Provided that it shall be the duty of the clerks of the various courts above mentioned on the first Monday in July, October, January and April of each year to make a report to the Comptroller, showing the amount of fees collected each year, giving the number of cases, but not necessarily the style of case, together with the fees from other sources, stating in each instance the source.

Provided that the amount herein appropriated for each item as herein stated, and no more, shall be paid out of the General Revenue during the fiscal year beginning September 1, 1923, and ending August 31, 1925, and no surplus shall be diverted from one account to another; and provided further that no warrants shall be issued, or obligations incurred in excess of the amounts herein appropriated.

Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys and all others, for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employees thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employees to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas.

| JUDICIARY. | | |
|---|--|--|
| | For the year 31 August 31 1924 | ears ending August 31 1925 |
| Salaries of: Ninety-eight District Judges | 392,000.00 3,600.00 24,500.00 | |
| as allowed by the Acts of the Thirty-eighth Legislature, payable in equal quarterly installments Five Criminal District Attorneys | 40,000.00 2,500.00 2,500.00 24,000.00 | 40,000.00 2,500.00 2,500.00 24,000.00 |
| side in counties other than the county in which the cause is being tried | 150,000.00 80,000.00 | 150,000.00 80,000.00 |
| Fees and costs of Sheriffs, Attorneys and Clerks in felony cases | 400,000.00 | 400,000.00 |
| neys | 118,000.00 5,000.00 | 118,000.00 5,000.00 |
| outside of their own district | 1,000.00 | 1,000.00 |
| lar Session of the Thirty-second Legislature To pay costs and fees of officers in cases of escheated estates, including cases on which such costs and fees | 500.00 | 500.00 |
| have already accrued and owing by the State | 100.00 | 100.00 |
| Total | 1,243,700.00 | \$1,243,700.00 |
| Grand total | 1,624,037.00 | \$1,611,847.00 |
| Grand total for both years\$3,235,884.00 | | |

Provided that the amounts herein appropriated for each item as herein stated, and no more, shall be paid out of the General Revenue for the Judiciary during the fiscal years beginning September 1st, 1923, and ending August 31st, 1925, and no surplus shall be diverted from one account to another account; provided further, that no deficiency shall be created nor shall any warrants be issued, or other obligations incurred, in excess of the amounts herein appropriated.

Provided that all accounts under this Section which require the approval of any District Judge shall be examined by the Comptroller, and, if correct, he shall issue his warrant therefor, but if he shall find same incorrect in whole or in part, he may cause an audit of same to be made before warrant is issued.

Provided that the Governor in case of extraordinary emergency may authorize a deficiency for such purpose or purposes which could not have been anticipated or provided for by the Legislature. All moneys appropriated by this Act shall remain in the State Treasury and be paid out only as it is expended or as the necessity or emergency may require. Nothing in this Act shall be held to repeal or impair the authority conferred by Article 4342 Revised Civil Statutes of 1911, providing for the creation of deficiencies, and authorizing the Governor to act in case of emergency.

It shall be unlawful for the Comptroller of this State to draw any warrant for the payment of any claim for money appropriated by this Act, for services performed after this Act takes effect, to any person employed under this Act, who may be related within the third degree of consanguinity or affinity, to the person empowered under this Act to make appointments, in whole or in part, and any person violating this provision of this Act, upon conviction thereof, shall be punished as provided by the law passed by the Thirtieth Legislature prohibiting nepotism.

Provided that each and every employee under this Act shall be paid by voucher, issued in his or her name; said voucher shall state the amount of salary or sum due, and for what services performed with the date and time of such service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers indorsed by the payee.

Sec. 2. The fact that the above and foregoing is one of the regular appropriation bills for the support of the State Government for the two fiscal years beginning September 1st, 1923, and ending August 31, 1925, creates a necessity for the expediting of the passage of this appropriation bill, therefore creates an emergency and an imperative public necessity which demands that the rule requiring bills to be read on three several days be suspended and that this bill become effective from and after its passage, and it is so enacted.

BAILEY,
WOOD,
RIDGEWAY,
BLEDSOE,
BURKETT,'
On the part of the Senate.

WALLACE, POTTER, ABNEY, HENDERSON, of McLennan, POPE.

On the part of the House.

On motion of Senator McMillin, the report was adopted by the following vote:

Yeas-25.

Bailey. McMillin. Baugh. Murphy. Bledsoe. Parr. Pollard. Bowers. Burkett. Rice. Clark. Rogers. Cousins. Strong. Darwin. Turner. Davis. Watts. Doyle. Witt. Fairchild. Wood. Floyd. Woods. Lewis.

Absent.

Ridgeway. Thomas. Wirtz.

Absent-Excused.

Holbrook. Stuart.

H. B. No. 60 on Second Reading.

The Chair laid before the Senate as special order, on second reading. H. B. No. 60, A bill to be entitled "An Act to amend Section 12 of Chapter 190, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Section 1 of Chapter 71, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, which section relates to the allotment of righway funds in road construction, so as to provide for authority to increase the allotment of such funds to aid in the construction of highways in the different counties, and to use said funds for maintenance purposes under certain conditions. and declaring an emergency.

The bill was read second time and passed to third reading.

H. B. No. 60 on Third Reading.

On motion of Senator Burkett, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 60 was put on its third reading and final passage by the following vote:

Yeas-24.

Baugh. Bledsoe. Bowers. Burkett.

Parr. Clark. Cousins. Pollard. Darwin. Rice. Rogers. Davis. Doyle. Strong. Fairchild. Turner. Floyd. Watts. Witt. Lewis. McMillin. Wood. Woods. Murphy.

Absent.

Bailey. Ridgeway. Thomas. Wirtz.

Absent-Excused.

Holbrook.

Stuart

The Chair then laid H. B. No. 60 before the Senate on third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas-25.

McMillin. Bailey. Murphy. Baugh. Parr. Bledsoe. Pollard. Bowers. Rice. Burkett. Rogers. Clark. Strong. Cousins. Turner. Darwin. Davis. Watts. Witt. Doyle. Fairchild. Wood. Woods. Floyd. Lewis.

Absent.

Ridgeway. Thomas.

Wirtz.

Absent-Excused.

Holbrook.

Stuart.

H. B. No. 236 on Passage to Third Reading.

Senator Davis called up H. B. No. 236 relating to issuing free railroad passes to certain parties, which was pending business after disposition of H. B. No. 11.

The Chair laid the bill before the Senate with pending amendment by Senator Murphy.

The amendment was adopted. Senator Doyle offered the following amendment to the bill:

Amend H. B. No. 236 by adding after Section 1 the following: That such transportation shall not be used by any minister, priest or rabbi except when in actual discharge of ministerial duties; and if use in travel for any other purpose is made such transportation shall be automaticlly cancelled by the donor; provided, a minister, rabbi or priest shall be considered as traveling for other purposes, if not to preach the gospel.

Senator Davis moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas-14.

Fairchild. Bailey. Baugh. Floyd. Lewis. Bledsoe. Parr. Bowers. Watts. Burkett. Wood. Cousins. Woods. Davis.

Nays—9.

Rogers. Darwin. Strong Doyle. McMillin. Turner. Wirtz Murphy.

Rice.

Present-Not Voting

Thomas.

Absent.

Clark. Ridgeway. Pollard. Witt

Absent—Excused.

Holbrook.

Stuart.

Senators Strong and Darwin offered the following amendment to the bill:

Amend H. B. No. 236 by adding a new section to read as follows:

"Provided, that this Act shall not apply to any minister, priest or rabbi who receives a salary of more than \$2,000 per year or those not serving a regular pastorate.'

Senator Floyd moved the previous question on the amendment and the bill, and the main question was ordered.

The amendment was lost.

The bill was then passed to third reading.

H. B. No. 236 on Third Reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 236 was put on its third reading and final passage by the following vote:

Yeas-22.

| Bailey. | Lewis. |
|----------|-----------|
| Baugh. | McMillin. |
| Bledsoe. | Parr. |
| Bowers. | Rice. |
| Burkett. | Rogers. |
| Clark. | Strong. |
| Cousins. | Turner. |
| Darwin. | Wirtz. |
| Davis. | Witt. |
| Doyle. | Wood. |
| Floyd, | Woods. |
| | |

Nay-1.

Murphy.

Absent.

Fairchild. Pollard. Ridgeway. Thomas. Watts.

Absent—Excused.

Holbrook.

Stuart.

The Chair then laid H. B. No. 236 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas-16.

Bailey. Doyle. Floyd. Baugh. Bledsoe. Lewis. McMillin. Bowers. Parr. Burkett. Turner. Clark. Watts. Darwin. Wood. Davis.

Nays—6.

Murphy. Strong. Wirtz. Rice. Woods. Rogers.

Absent.

Cousins. Ridgeway. Fairchild. Thomas. Pollard. Witt.

Absent-Excused.

Holbrook. Stuart.

H. B. No. 78 on Third Reading.

The chair laid before the Senate as regular order, on its third read-

ing and final passage

H. B. No. 78, A bill to be entitled "An Act creating and defining the Ringgold Independent School District, Montague County, Texas, out of the territory known as Ringgold Independent School District in Montague County, Texas, for free school purposes only, and defining its boundaries; providing for the extension of its boundaries; repealing Chapter 44, House Bill No. 540, Local and Special Laws, Thirty-sixth Legislature, passed at its Regular Session; vesting the Ringgold Independent School District, Montague County, Texas, with the exclusive control of its public free schools, and vesting the title to all property in said district; providing for the present trustees to continue in office for the term to which elected, and conferring upon the board plenary powers, providing for the levying, assessing and collecting of taxes for the maintenance of public free schools in said district; providing authority to appoint a board of equalization in said district, and defining its duties and powers; providing authority for the board of trustees to issue bonds for the purpose of purchasing school buildings, sites, and erecting and equipping school buildings within said district, and to levy taxes therefor; providing means by which the collection of delinquent taxes may be facilitated; providing that the bonds heretofore issued by the Ringgold Independent School District shall be a charge against the district herein created; and that all outstanding indebtedness owing by the said district shall likewise be charged against the district herein created; providing for the repeal of all laws in conflict with any provision hereof, and further providing that if any section or part hereof is at any time declared to be unconstitutional it should not affect the other provisions hereof, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

Bledsoe. Bailey. Bowers. l Baugh.

Burkett. Pollard. Clark. Rice. Cousins. Rogers. Darwin. Strong. Davis. Thomas Dovle. Turner. Fairchild. Watts. Floyd. Wirtz. Lewis. Witt. McMillin. Wood. Woods. Murphy. Parr.

Absent.

Ridgeway.

Absent-Excused.

Holbrook.

Stuart.

H. B. No. 109 on Second Reading.

On motion of Senator Davis by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

H. B No. 109, A bill to be entitled "An Act levying and providing for the payment of a State occupation tax on refining, compounding, manufacturing, blending or preparing gasoline or gasoline substitutes from petroleum or natural gas measured by intrastate sales; and levying a State occupation tax on intrastate selling of gasoline or gasoline substitutes brought into the State from outside the State based on the first intrastate sale thereof after the same is brought into the State; requiring reports to be made, and records to be kept and permitting inspections thereof by proper public officials, and prescribing penalties for failure to comply with the Act in order to facilitate collection of such occupation taxes; providing for interest on delinquent taxes and penalties; making disposition of the taxes after collected; providing for suits for taxes, penalties and interest and compensation of officers bringing same; defining gasoline; declaring the legislatve intent as to parts of the Act being held invalid; repealing the present gasoline occupation tax law; defining 'person' as used in this Act, and declaring an emergency."

The chair laid the bill before the Senate, and it was read second time.

Senator Davis offered the following amendment to the bill:

Amend House Bill No. 109 by "whol striking out all after the enacting fined.

clause and insert in lieu thereof the following:

That Article 7377 as amended, Chapter 2, Title 126 of the Revised Civil Statutes of Texas of 1911, be and the same is hereby amended so as to read as follows:

Article 7377, Section 1. (a) The term "wholesale dealer" shall include any person, firm, corporation or association of persons who buys. compounds, manufactures, imports or refines gasoline or any of its substitutes, and sells or delivers for sale the same to the retail dealer. who in turn resells the same to the consumer, and shall also include the manufacturer, importer, refiner and compounder who sells the same at retail direct or through an agent to the consumer, and shall also include any person, firm, corporation or association of persons, who buys gasoline or any of its substitutes from the refiner, producer, or compounder for resale.

(b) The term "sale" as used in this Act, is hereby defined as any sale of gasoline or any of its substitutes made to the retail dealer. and shall also include any sale of gasoline or any of its substitutes made by a producer, refiner or compounder of gasoline or any of its substitutes direct or through an agent to the consumer, and also any sale to the consumer made by any person, firm, corporation or association of persons who buys from a producer, refiner or compounder, and any such sale or sales as hereinabove described and defined of gasoline or any of its substitutes which has been transported into this State from outside this State by any person, firm, corporation or association of persons after same has ceased to be an interstate transaction.

Sec. 2. An occupation tax equal to one cent upon each gallon sold by wholesale dealers, as defined by this Act, for consumption within this State is hereby imposed upon the business of selling what is commercially known as gasoline or any of its substitutes by whatever name known, sold, manufactured, refined, derived, prepared or compounded from petroleum or natural gas, as the term "sale" is herein defined by "wholesale dealers" as herein defined.

Sec. 3. Every wholesale dealer, as herein defined, shall on or before the 25th day of each month transmit to the Comptroller of Public Accounts a report under oath (on such forms as the Comptroller of Public Accounts shall prescribe) of the total number of gallons of gasoline or any of its substitutes, sold at wholesale for consumption within this State during the preceding month and shall at the same time pay to the Treasurer of this State an amount equal to one cent upon each gallon of such gasoline, or any of its substitutes so sold during the preceding month.

Sec. 4. Any wholesale dealer, as in this Act defined, who shall fail to make report of sales and make payment of taxes due, as prescribed in the preceding section shall pay an additional cent upon each gallon sold during the month in default, and shall be taxed ten (10%) per cent upon the full amount of each month thereafter until said report and payment to the Treasurer shall have been made.

Sec. 5. In case of default in report and payment of taxes imposed by this Act on the part of any wholesale dealer, as defined in this Act, it shall be the duty of the Attorney General, District Attorney, or any county attorney, or either of them, to bring suit in a court of competent jurisdiction within the county of the residence of such dealer to recover the amount of the taxes and penalties due, and upon colletion thereof said attorney shall receive a fee equal to one-half of one cent for each gallon upon which said taxes are due.

Sec. 6. The tax hereby imposed shall be in lieu of all other occupation taxes on the sale of gasoline or any of its substitutes and all laws or parts of laws heretofore enacted and in conflict herewith are hereby

renealed.

The funds derived from Sec. 7. the occupation tax herein authorized to be collected, and coming into the general revenue of the State therefrom, are hereby appropriated for the biennium beginning September 1, providing for and the manner of re-1923, one-fourth to the available public free school fund. and the remaining three-fourths to the con-struction and maintenance of the failure to make such reports and public highways of the State constito pay such tax; providing for the tuting a part of the State system of payment of all such tax collections public highways as designated by the into the general revenue and for the

State Highway Commission, and such funds shall be set aside from the general revenue of the State Treasurer when and as collected, and shall become a part of the available public free school fund and the State Highway Fund respectively, and shall be subject to disbursement in accordance with the statutes controlling the distribution of such funds.

Sec. 8. If any section or provision of this Act shall be held void and of no effect such construction shall not affect the remaining sections or provisions of this Act which shall remain in full force and effect.

Sec. 9. That House Bill No. 12, Acts of the Thirty-eighth Legislature, Regular Session, effective April the 1st, 1923, be, and the same is hereby in all things expressly repealed.

Sec. 10. The fact that the public free schools and highways require additional funds creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days, and said rule is accordingly hereby suspended; and this Act shall take effect and be in force from and after June 1, 1923, and the first report and payment required under this Act shall be made on or before July 25,

> WIRTZ RIDGEWAY. DAVIS.

The amendment was adopted. Senator Davis offered the following amendment to the bill:

Amend the caption to House Bill No. 109 by striking out the caption and insert in lieu thereof the following:

A bill to be entitled "An Act to amend Chapter 2, Title 126, Article 7377 as amended, of the Revised Civil Statutes of 1911, relating to and imposing an occupation tax based on gross receipts, providing for a tax upon wholesale dealers in the sale of gasoline or any of its substitutes, defining a wholesale dealer, defining sales of gasoline or any of its substitutes; porting such sales, and the collection of the said occupation tax; setting appropriation of such sums from the general revenue to the available public school fund and to the State Highway Fund; and for the disbursement of the amounts appropriated; providing that if any part of this Act shall be declared ineffective such decision shall not affect the remaining provisions; expressly repealing House Bill No. 12. Acts of the Thirty-eighth Legislature, Regular Session, effective April first, 1923, and declaring an emergency."

The amendment was adopted. The bill was then passed to third reading.

H. B. No. 109 on Third Reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 109 was put on its third reading and final passage by the following vote:

Yeas— 21.

| Bailey. | Floyd. |
|------------|---------|
| Baugh. | Lewis. |
| Bledsoe. | Murphy. |
| Bowers. | Parr. |
| Burkett. | Rice. |
| Clark | Strong. |
| Cousins. | Turner. |
| Darwin. | Wirtz. |
| Davis. | Wood. |
| Doyle. | Woods. |
| Fairchild. | |

Nays-1.

McMillin.

Absent.

| Pollard. | Thomas |
|-----------|--------|
| Ridgeway. | Watts. |
| Rogers. | Witt. |

Absent—Excused.

Holbrook.

Stuart.

The Chair then laid H. B. No. 109 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas-21.

| Bailey. | Darwin. |
|----------|---------------------|
| Baugh. | Davis. |
| Bledsoe. | Doyle. |
| Bowers. | Fairchil d . |
| Burkett. | Floyd. |
| Clark | Lewis. |
| Cousins. | McMillin. |

Murphy. Watts.
Parr. Wood.
Strong. Woods.
Turner.

Absent.

Pollard. Thomas, Rice. Wirtz. Ridgeway. Witt. Rogers.

Absent-Excused.

Holbrook.

Stuart.

H. B. No. 79 on Third Reading.

The Chair laid before the Senate as regular order, on its third read-

ing and final passage,

H. B. No. 79, A bill to be entitled "An Act creating the Montague In-dependent School District in Montague County, Texas; defining its boundaries, including the Montague Independent School District No. 7, divesting Montague Independent School District No. 7 of title to all school property in said district, and vesting the same in the Montague Independent School District and its board of trustees; conferring upon said district and its board of trustees all the right, power, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas-24.

Lewis. Bailey. McMillin. Baugh. Bledsoe. Murphy. Parr. Bowers. Burkett. Pollard. Rice. Clark Rogers. Cousins. Strong. Darwin. Davis. Turner. Watts. Doyle. Wood. Fairchild. Woods. Floyd.

Absent.

Ridgeway. Wirtz. Thomas. Witt.

Absent-Excused.

Holbrook. Stuart.

H. B. No. 34 on Passage to Third Reading.

Senator Woods called up H. B. No. 34, relating to carrying deadly weapons while violating prohibition laws, which was read the second time on May 7, and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Burkett offered the following amendment to the bill:

Amend caption to H. B. No. 34 by striking out all above the enacting clause and inserting the following:

"An Act making it a felony for any person to carry on or about his person, while violating the liquor laws, any weapon or arms mentioned in Article 475 of the Penal Code, and also making it a felony for a person to have on or about his person or in any vehicle any weapon or arms mentioned in said Article 475 while such person has in his possession any intoxicating liquor as defined in our prohibition laws not procured from any person having the lawful right to sell same; prescribing penalties; and declaring an emergency."

The amendment was adopted. Senator Rogers offered the follow-

ing amendment to the bill:

Amend the bill by adding after the word "same" in Section 2, page 232, Senate Journal, "or shall be a participant in any whipping or flogging party, inflicting corporal punishment upon any citizen of this State."

Question: Shall the amendment

be adopted?

Message from the Governor.

The following messages from the Governor were laid before the Senate and read as follows:

Governor's Office, Austin, Texas, May 12, 1923. To the Texas State Senate:

I ask the advice, consent and confirmation of the Senate to the following appointments as Notaries Public in and for the counties designated:

Anderson County.

Coleman, I. S. Rel....Massey Lake

Coleman County.

Stockard Leroy V..... Santa Anna Arrington, W. J..... Breckenridge

| Dallas County. | | |
|--|--|--|
| Thomas M. A Dallas Groner, Orville | | |
| Dawson County. | | |
| Manly, R. J Lamesa Brown, J. E Lamesa | | |
| El Paso County. | | |
| Dodson, S. JEl Paso | | |
| Galveston County. | | |
| Adams, A. A | | |
| Garza County. | | |
| Greer, J. AlexPost | | |
| Guadalupe County. | | |
| Ward, T. HLuling | | |
| Harris County. | | |
| Jones, Mrs. AnnieRatcliff | | |
| Hunt County. | | |
| Shook, Julia AGreenville | | |
| Jefferson County. | | |
| Arrm, G. M. F Beaumont Hollifield, Miss Kathleen Port Arthur | | |
| Knox County. | | |
| Brown, J. E | | |
| Lampasas County. | | |
| Stephens, L. MLometa | | |
| Mills County. | | |
| Bownman, F. PGoldthwaite | | |
| Nacogdoches Conuty. | | |
| Fall, R. HChireno | | |
| San Augustine County. | | |
| Graham, S. CBroaddus | | |
| Shelby County. | | |
| Short, F. CCenter | | |
| Stephens County. | | |

Tarrant County.

Smith, A. F.....Fort Worth

Starr County.

Neal E. E.....Rio Grande City

Travis County.

Upshur County.

Camp, J. M.....Ore City

Wheeler County.

Donnell, A. C..... Mobeetie

Wichita County.

Johnson, T. E...... Wichita Falls

Respectfully sumitted,
PAT M. NEFF,
Governor.

Governor's Recess Appointments.

Governor's Office,

Austin, Texas, May 12, 1923.

To the Texas Senate, Second Called Session, Thirty-eighth Legislature.

For your confirmation, I submit the following appointments:

- J. R. Bell, Teague, Texas, District Judge of Eigthy-seventh Judicial District. Named March 30, 1923.
- C. H. Machen, Mexia, Texas, District Attorney of Eighty-seventh Judicial District. Named March 30, 1923.

Paul Donald, Bowie, Texas, District Judge of Ninety-seventh Judicial District. Named April 2, 1923.

W. F. Schenck, Graham, Texas, District Judge of Ninety-second Judicial District. Named April 4, 1923.

Bernard Martin, Wichita Falls, Texas, District Attorney, Thirtieth Judicial District. Named April 14, 1923.

John A. Storey, Vernon, Texas, District Attorney, Forty-sixth Judicial District. Named April 7, 1923.

M. M. Campbell, Commissioner of Deeds for Texas in Province of Quebec, Canada. Named April 19, 1923.

Charles F. Wilcox, Commissioner | then passed to third reading.

of Deeds for Texas in New York State. Named April 14, 1923. Respectfully sumbitted, PAT M. NEFF, Governor.

Recess.

On motion of Senator Clark, the Senate at 5:50 p. m. recessed until 8 p. m. today.

Night Session.

The Senate met at 8 p. m. and was called to order by President Pro Tem Murphy.

H. B. No. 76 on Second Reading.

The Chair laid before the Senate as regular order, on second reading.

H. B. No. 76, A bill to be entitled "An Act providing for the organization of pools and pooling organizations by banking and other corporations and co-operative associations composed of persons engaged in producing, or producing and marketing staple agricultural products, or live stock, or both; providing for their co-operation with the Federal law affecting loans for agricultural and live stock purposes; providing for the borrowing of money by such pooling organizations upon bonded warehouse receipts and live stock mortgages; limiting the interest rate that may be charged; providing for margins; prescribing the maximum term of such liens; fixing limitations on the amount that may be loaned by such pooling organizations; providing for the use and ownership of bonded warehouses. and providing a plan of marketing the products; requiring bond of such organizations to be approved by the commissioners' court of the county where organized, and filed with the Commissioner of Markets and Warehouses; requiring quarterly reports to the Commissioner of Markets and Warehouses, and prescribing penalties for the violation of this Act."

The bill was read second time, the committee report that it be not printed was adopted, and it was then passed to third reading.

H. B. No. 87 on Second Reading.

The Chair laid before the Senate as regular order, on second reading, H. B. No. 87, A bill to be entitled "An Act to amend House Bill No. 528 of the Local and Special Laws of the Legislature, Regular Session, creating the Megargel Independent County Line School District so as to add additional territory to the Megargel Independent County Line School District, and giving the board of trustees of that district the authority to increase the area of the district, and declaring an emergency."

The bill was read second time, the committee report that it be not printed, was adopted, and passed to third reading.

H. B. No. 136 on Second Reading.

The Chair laid before the Senate as regular order, on second reading,

H. B. No. 136, A bill to be entitled "An Act amending Section 1, of Chapter 26, Local and Special Laws of the Thirty-seventh Legislature, passed at its first Called Session, redefining the boundaries of Sheffield Independent School District in Pecos County, Texas, and declaring an emergency."

The bill was read second time, the committee report that it be not printed, was adopted and passed to third reading.

H. B. No. 148 on Second Reading.

The Chair laid before the Senate as regular order, on second reading,

H. B. No. 148, A bill to be entitled "An Act creating the Darrouzett Independent School District in Lipscomb County; defining its boundaries to be the same as of Common School District No. 20; providing for a board of trustees for said district; con-ferring upon said district and its board of trustees all the rights, powers, privileges, and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees of said Common School District No. 20 shall continue in office until the next regular election, as provided for under

cessors are elected and qualified; declaring the maintenance tax and the bond tax heretofore authorized in said Common School District No. 20 to be valid and binding upon said independent school district; providing for an assessor and collector of taxes for said district, and fixing his powers, duties, bond and compensation; providing for the levying, assessing and collecting of taxes for the current year, and annually thereafter; providing that all bonds, obligations, contracts and indebtedness legally existing against Common School Distrct No. 20 are imposed upon the Darrouzett Independent School District; providing for the collection of taxes by the county tax assessor and collector; applying the General Laws when a matter is not expressly provided for by this Act, and declaring an emergency."

The bill was read second time, the committee report that it be not printed was adopted, and it was then passed to third reading.

H. B. No. 157 on Second Reading.

The Chair laid before the Senate as regular order, on second reading, H. B. No. 157, A bill to be entitled "An Act creating the Adams Independent School District in San Patricio County, Texas; defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, vesting said district with all the powers, rights and duties of independent school districts, created for free school purposes only; providing for the assumption by said district of all existing indebtedness of the territory embraced within the said district hereby created, and declaring an emergency.

The bill was read second time, the committee report that it be not printed, was adopted, and passed to third reading.

H. B. No. 160 on Second Reading.

The Chair laid before the Senate as regular order, on second reading,

present board of trustees of said Common School District No. 20 shall "An Act to repeal an Act passed at continue in office until the next regular election, as provided for under the General Laws, or until their suc-

of the State of Texas, entitled 'An Act to amend an Act passed at the Regular Session of the Thirtieth Legislature, known as House Bill No. 470 and approved April 4, 1907, entitled "An Act creating an independent school district, to be known as the Coleman Independent School District, including within its limits the municipal corporation of the town of Coleman, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board," so as to hereafter read as follows, and extending and defining its boundaries. and including within its limits the municial corporation of the city of Coleman, and to provide for the creating of a board of trustees thereof, and to authorize the board of trustees to levy, assess and collect special taxes, and provided authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay all current expenses for the maintenance and support of said school, declaring valid all issues of bonds heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this Act, and declaring an emergency,' reviving former laws, and declaring an emergency."

The bill was read second time, the committee report that it be not printed, was adopted, and passed to third reading.

H. B. No. 161 on Second Reading.

The Chair laid before the Senate as regular order, on second reading.

H. B. No. 161, A bill to be entitled "An Act to amend Section 1 of H. B. No. 115, enacted by the Third Called Session of the Thirty-sixth Legislature, approved June 17, 1920, amending and revising the metes and bounds of the Miami Independent School District in state, and declaring an emergency."

Laws of the Thirty-eighth Legislature of the State of Texas, entitled 'An Act to amend an Act passed at the Regular Session of the Thirtieth Legislature, known as House Bill No. 470 and approved April 4, 1907, entitled "An Act creating an independent school district, to be known pendent school district, to be known made, and declaring an emergency."

The bill was read second time, the committee report, that it be not printed, was adopted, and passed to third reading.

H. B. No. 176 on Second Reading.

The Chair laid before the Senate as regular order, on second reading, H. B. No. 176, A bill to be entitled "An Act to create the Truscott Independent School District in Knox County, Texas, including the Truscott Indetendent School District. as created by the Thirty-sixth Legislature, Regular Session; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties con-ferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the provisions of this Act and the General Laws of Texas, and declaring an emergency."

The bill was read second time, the committee report that it be not printed was adopted, and passed to third reading.

H. B. No. 182 on Second Reading.

The Chair laid before the Senate as regular order, on second reading, H. B. No. 182, A bill to be entitled "An Act to amend Section 10 of Chapter 3 of the General Laws of the State of Texas, enacted by the Third Called Session of the Thirty-third Legislature, approved October 19, 1914, by adding a subdivision thereto to be designated (d1/2), providing that liabilities incurred under the provisions of the Federal 'Agricultural Credits Act of 1923' shall not be taken into account in determining the amount of indebtedness or liability of banking corporations incorporated under the laws of this

The bill was read second time, the committee report that it be not printed was adopted, and it was then passed to third reading.

H. B. No. 183 on Second Reading.

The Chair laid before the Senate as regular order, on second reading, H. B. No. 183, A bill to be entitled "An Act to provide for the organization of corporations for the purpose of borrowing and loaning money to their members only and for the discount and rediscount of notes, or other evidence of indebtedness, for their members, and authorizing such corporations to become endorsers on notes or other evidences of indebtedness of their members, providing that such notes or other evidences of indebtedness are made for the purpose provided in the Federal 'Agricul-tural Credits Act of 1923,' and for the purpose of loaning money to their member stockholders, where the money is to be used for the production, or production and marketing of staple agricultural productions, or for the raising, breeding, fattening or marketing of live stock, and the purchase and payment for capital stock of such corporation; providing that no corporation shall be organized under the provisions of this Act with a capital stock of less than \$10,-000, all of which shall be fully paid in at the time of filing the articles of incorporation, and such capital stock shall be invested in securities approved for investment by savings banks under the laws of providing that such Texas: and corporations shall by their bylaws provide for the automatic increase of their capital stock, and authority is given for such automatic increase; providing that such capital stock shall be increased at the rate of ten per centum of the amount of loans made by such corporations; and providing that such corporations shall not make loans in excess of ten times their unimpaired capital stock represented by that part of its capital automatically increased; and providing such corporations may by their articles of incorporation provide for preferred and common stock, and if provision be made for preferred stock the articles of incorporation shall provide for payment of dividends thereon, and for the retirement of both classes of stock; and provid- ly, organized under the laws of this

ing that banking or other corporations, except savings banks may, upon the approval of the Commissioner of Banking and Insurance, first had and obtained invest in the preferred stock of such corporations; and providing also the requirements to be set out in the articles of incorporation of such corporations; and providing for the filing of reports with the Secretary of State and the payment of fees therefor, and defining the liability of stockholders, preferred or common, for the debts or engagements of such corporations; and providing the maximum amount of interest; and providing for the suspension of the constitutional rule, and declaring an emergency.

The bill was read second time, the committee report that it be printed was adopted, and it was then passed to third reading.

H. B. No. 184 on Second Reading.

The Chair laid before the Senate as regular order, on second reading, H. B. No. 184, A bill to be entitled "An Act to enable citizens of the State of Texas to avail themselves of the provisions of the Act of Congress of the United States of America, approved March 4, 1923, and known as the Agricultural Credits Act of 1923, and to provide for the creation of private co-operative credit associations by citizens of the State of Texas engaged in the production or marketing of staple agricultural products or the raising, breeding, feeding, fattening or marketing of live stock; and providing that such co-operative credit associations shall have the power to borrow for and lend money to their members; to discount or rediscount for their members only, and to pur-chase, indorse and sell the notes of its members, or such other evidences of indebtedness as may be discounted or rediscounted for their members only, and to purchase, indorse and sell the notes of its members, or such other evidences of indebtedness as may be discounted or rediscounted under the provisions of the Federal 'Agricultural Credits Act of 1923,' and under the terms, rules and regulations prescribed by the Federal Farm Loan Board and with such other and additional powers as are conferred upon associations general-

State, where not in conflict with the express provisions hereof; authorizing such co-operative credit associations to be organized with or without capital stock, provided that such co-operative credit associations organized for the purpose of raising, breeding, feeding, fattening or marketing live stock shall not be organized hereunder with capital stock, the initial amount of which must be stated in the articles of incorporation and that the articles of incorporation shall provide that loans shall not be obtained for, made to, or notes purchased of any person or corporation other than a stockholder in such association, and that each applicant for a loan or discount by such association shall become a subscriber to its capital stock in an amount equal to ten per centum of the amount of the loan or discount applied for and that upon or before the closing of such loan such capital stock shall be fully paid for; and providing that the capital stock of such associations shall be automatically increased with the increase of the loans and discounts of such associations and that the amount of loans and discounts by such associations shall never be in excess of ten times the amount of paid-up, unimpaired capital stock of such association: providing for the retirement of capital stock; providing that this Act shall be cumulative of all other general laws of this State affecting corporations organized thereunder, and providing for the payment of fees for the filing of articles of incorporation of co-operative credit associations hereunder and for the making of quarterly and annual reports to the Secretary of State and the payment of fees upon filing of such reports and the exempting of such cooperative credit associations from the payment of any other license or franchise tax, and declaring an emergenev."

The bill was read second time, the committee renort that it be not printed was adopted, and it was then passed to third reading.

H. B. No. 225 on Second Reading.

The Chair laid before the Senate as regular order, on second reading. H. B. No. 225, A bill to be entitled "An Act amending House Bill No.

of the Thirty-eighth Legislature, so as to add to Hulver Common School District No. 5, in Hall County, Section No. — of Block 'A' of A., B. & M. land, detaching the said section from Estelline Independent School District in Hall County, and providing that the adjustment of said school districts and their finances and taxes unto such transfer shall be included in the election provided for in said Act of the Thirtyeighth Legislature, and declaring an emergency.'

The bill was read second time, the committee report that it be not printed was adopted, and it was then passed to third reading.

H. B. No. 233 on Second Reading.

The Chair laid before the Senate as regular order, on second reading,

H. B. No. 233, A bill to be entitled "An Act to creat the Double Horn Independent School District in Burnet County, including the present Double Horn District No. 32 of the said county; providing a board of trustees therefor, vesting said independent district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Double Horn District No. 32 shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

The bill was read second time, the committee report that it be not printed was adopted, and it was then passed to third reading.

H. B. No. 237 on Second Reading.

The Chair laid before the Senate as regular order, on second reading. H. B. No. 237, A bill to be entitled "An Act to amend Chapter 12, Acts Thirty-seventh Legislature, First Called Session, 1921, same being an Act entitled 'An Act creating the Jacksonville Independent District in Cherokee County, by amending Section 1 thereof, redefin-474, passed at the Regular Session ing the boundaries of said district;

continuing the present board of trustees in office; validating all tax levies heretofore made,' and declaring an emergency."

The bill was read second time, the committee report that it be not printed was adopted, and it was then passed to third reading.

H. B. No. 289 on Second Reading.

The Chair laid before the Senate as regular order, on second reading. H. B. No. 239, A bill to be entitled "An Act to create the Comstock Independent School District in Val Verde County, Texas; providing a board of trustees; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas for school purposes only, and declaring an emergency."

The bill was read second time, the committee report that it be not printed was adopted, and it was then passed to third reading.

H. B. No. 240 on Second Reading.

The Chair laid before the Senate as regular order, on second reading,

H. B. No. 240, A bill to be entitled "An Act to amend Chapter 38 of the Special Laws passed by the Regular Session of the Thirty-eighth Legislature, the same being an Act to create the Barksdale Independent School District in Edwards and Real Counties, Texas; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency.'

The bill was read second time, and the committee report that it be not printed was adopted.

Senator Wood offered the following amendment to the bill:

Amendment No. 1.

Amend H. B. 240 by striking out all above the enacting clause and inserting the following:

"A BILL To Be Entitled

An Act to increase the limits of the Barksdale Independent School District of Edwards and Real Counties, Texas, as created and established by Chapter 38, being the Special Laws of the Regular Session of the Thirty-eighth Legislature, H. B. No. 427; and declaring an emergency."

Amendment No. 2.

Amend H. B. No. 240 by striking out all of Section 1 and inserting the following:

"Section 1. That Section 1 of Chapter 38 of the Special Laws of the Rgular Session of the Thirtyeighth Legislature be and the same is hereby amended so as to read as follows:

"Section 1. That the Barksdale Independent School District is hereby created and established in Edwards and Real Counties, Texas, including within its limits territory with metes and bounds as follows:

"Beginning at the N. E. corner of survey No. 230 cert. 1852 M. C. Garner in Edwards County, Texas. Thence S. 70 W to the N. W. corner of said survey. Thence S. 20 E. to the S. W. corner of said survey in N. line of survey No. 229 J. G. Bailey. Thence S. 70 W. to the N. W. corner of said survey No. 229. Thence S. 20 E. to the S. W. corner of said survey No. 229 in N. line of survey No. 226 M. C. Garner. Thence S. 70 W. to the S. W. corner of survey No. 2 cert. 1242 H. E. & W. T. Ry. Co. Thence N. 20 W. to the N. W. corner of said survey and S. line of survey No. 801 G. C. & S. F. Ry. Co. Thence S. 70 W. to the S. W. corner of said survey 801. Thence N. 20 W. to the S. E. corner of survey No. 802, G., C. & S. F. Ry. Co. Thence S. 70 W. to the N. W. corner of survey No. 503, H. E. & W. T. Ry. Co. Thence S. 20 E. to the Uvalde County line. Thence W. with the county line to a point due S. of the S. or S. W. corner survey 10, block A10, G., C. & S. F. Ry. Co. Thence N. to said corner of said survey No. 10, block A10. Thence N. W. along the W.

line of said block A10 to its N. W. corner. Thence N. E. along the N. line of said block A10 to its N. E. corner and continuing same course to S. E. corner of block 10A, G. C. & S. F. Ry. Co. on W. line of block 11, G. W. T. & P. Ry. Co. Thence S. E. along the W. line of said block 11 to its S. W. corner on the N. line of block I, G. W. T. & P. Ry. Co. Thence N. E. along the S. line of said block II to its S. E. corner. Thence N. W. along the E. line of said block II to its N. E. corner on S. line of block III, G. W. T. & P. Ry. Co. Thence N. E. along the S. line of Section No. 91, said block III to S. E. corner of Section No. 91. Thence N. W. along the E. line of Section No. 91 and No. 90, block III to N. E. corner of No. 90 and N. W. corner of No. 1, block A. B. Thence N. E. to N. E. corner of said No. 1, block A. B. Thence S. E. along the E. line of said section 1, block A. B. to N. W. corner of survey No. 3, block V6½. Thence E. to N. E. corner of said survey No. 3. Thence S. to N. W. corner of survey No. 128, said block V6 1/2. Thence E. to the N. E. corner of survey No. 75, block 13, G. C. & S. F. Ry. Co. Thence S. to L corner of said survey No. 75. Thence E. to the N. E. corner of survey No. 693 H. Brummett. Thence S. to the S. W. corner of survey No. 693 Hugh Anderson. Thence E. to the N. E. corner of survey No. 79 1/2. Mrs. M. A. Cavitt. Thence S. with the east lines of surveys No. 79 1/2, Mrs. M. A. Cavitt and No. 791, J. Dixon to Dixon's S. E. corner, and thence S. to point on N. line of block J., G. C. & S. F. Ry. Co. Thence E. along the N. line of said block J to the N. E. corner of survey No. 28 of said block. Thence S. to N. line of survey No. 42, S. P. Ry. Co. Thence W. to N. W. corner of said No. 42. Thence southward with the back lines of river survey Nos. 42, 41, 38, 37, 34, 33, and 32, S. P. Ry. Co. to the S. W. corner of said survey No. 32. Thence E. to its S. E. corner on the bank of the Nueces River. Thence up said Nucces River with the meanders thereof, to the N. W. corner of survey No. 40, cert. 17/382 S. P. Ry. Co. Thence E. to the W. line trict No. 8 of the title to all propof survey No. 58, cert. 17/392, S. P. erty now held and used for public Ry. Co. Thence S. 5 W. to the S. free school purposes and vesting the W. corner of said survey. Thence title to all said property in the

S. 85 E. to the E. Nueces River. Thence down said river with the meanders thereof, to the N. W. corner of survey No. 21, cert. 74, Columbus Tap Ry. Co. in Real County. Thence S. 85 to the N. E. corner of said survey. Thence S. 5 to the N. line of survey No. 20 same grant. Thence S. 85 to the N. E. corner of said survey No. 20. Thence in an east-erly direction to the N. W. corner of survey No. 79, cert. 9/104, block 3, T. W. N. G. Ry. Co. in Real County, Texas. Thence S. to the S. W. corner of said survey. Thence W. to the N. E. corner of survey N. 241, Felix Taylor. Thence S. 20 E. to the S. E. Corner of said survey No. 241. Thence S. 70 W. with the S. line of said Felix Taylor survey, a distance of 4877½ varas, for corner. Thence S. 20 E. across survey No. 240 and 237 to the S. line of survey No. 237 George W. Robinson. Thence S. 70 with said S. line of said survey No. 237 to the E. Nueces River. Thence down said river with its meanders to the N. E. corner of survey No. 230, M. C. Garner, in Edwards County, Texas, the place of beginning.

The amendments were adopted. H. B. No. 240 was then passed to third reading.

H. B. No. 244 on Second Reading.

The Chair laid before the Senate as regular order, on second reading, H. B. No. 244, A bill to be entitled "An Act creating Ricardo Independent School District No. 1 in Kleberg County, Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the Ricardo Independent School District No. 1 as heretofore existing and Common School District No. 8 in Kleberg County, Texas, of the control of the public free schools within the territory included within Ricardo Inde-pendent School District No. 1, as herein created, and divesting the said Ricardo Independent School District No. 1 as heretofore existing and the said Common School Dis-

board of trustees of Ricardo Independent School District No. 1, as herein created; conferring upon the board of trustees of Ricardo Independent School District No. 1 as herein created all the powers, privileges and duties conferred upon the trustees of independent school districts created under the General Laws; providing that the board of trustees of Ricardo Independent School District No. 1, as heretofore existing, shall constitute the board of trustees of Ricardo Independent School District No. 1, as herein created; validating all bonds, or other evidences of indebtedness heretofore issued on behalf of Ricardo Independent School district No. 1, as heretofore existing, and all taxes heretofore levied on behalf of said district, and declaring an emergency."

The bill was read second time, the committee report that it be not printed was adopted, and it was then passed to third reading.

H. B. No. 83 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 83, A bill to be entitled "An Act creating, establishing and incorporating Common School District No. 17 in Hidalgo County. Texas. containing a portion of the territory in Hidalgo County, Texas, heretofore embraced in Common School District No. 15; describing the metes and bounds thereof; placing said Common School District No. 17 under the jurisdiction of Hidalgo County; providing for the selection of a board of trustees by the Hidalgo County board of trustees, to hold office until the next regular election, and providing for the election of trustees thereafter; vesting said district and board of trustees with all the school affairs therein as conferred and imposed by General Laws upon common school districts and boards of trustees thereof, organized under the General Laws of Texas; vesting the school property situated in said Common School District No. 17 and all uncollected taxes,

territory embraced herein and validating and confirming same in Common School District No. 17; providing for the assumption by Common School District No. 17 of its pro rata share based upon the value that the lands herein embraced now bear to the aggregate value of all lands formerly comprising Common School District No. 15, of certain bonded indebtedness existing against said Common School District No. 15; providing that the enactment of this law shall not invalidate any local school taxes heretofore voted and now in force in the territory herein incorporated, and ratifying, confirming and adopting as valid and subsisting against this district any such taxes; repealing all laws in conflict herewith; making this Act cumulative of the General Laws of the State of Texas, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas-25.

| Bailey. | McMillin. |
|------------|-----------|
| Baugh. | Murphy. |
| Bledsoe. | Parr. |
| Bowers. | Rice. |
| Burkett. | Rogers. |
| Clark | Strong. |
| Cousins. | Turner. |
| Darwin. | Watts. |
| Davis. | Wirtz. |
| Doyle. | Witt. |
| Fairchild. | Wood. |
| Floyd. | Woods. |
| Lewis. | |

Absent.

Pollard. Ridgeway. Thomas.

Absent—Excused.

Holbrook.

Stuart.

H. B. No. 113, on Third Reading.

The Chair laid before the Senate as regular order; on its third reading and final passage,

ized under the General Laws of Texas; vesting the school property situated in said Common School District No. 17 and all uncollected taxes, claims and causes of action, legally or equitably belonging to Common School District No. 15 within the

ers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the provisions of this Act, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas-25.

Bailey. McMillin. Baugh. Murphy. Parr. Bledsoe. Rice Bowers. Rogers. Burkett. Strong. Clark Cousins. Turner. Watts. Darwin. Wirtz. Davis. Witt. Dovle. Fairchild. Wood. Floyd. Woods. Lewis.

Absent.

Pollard. Ridgeway. Themas.

Absent-Excused.

Holbrook.

Stuart.

H. B. No. 116 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

H. B. No. 116, A bill to be entitled "An Act creating the Rock Springs Independent School District in Edwards County, Texas; defining its metes and bounds; providing a board of trustees therefor, for raising revenue, issuing bonds, vesting it with the rights, powers and duties of districts incorporated for school purposes only under the General Laws of the State of Texas; providing for an election to assume the outstanding bonds of the Rock Springs Common School District, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas-26.

Bailey. Bledsoe. Bowers.

Burkett. Parr. Clark Rice. Cousins. Rogers. Darwin. Strong. Davis. Thomas. Doyle. Turner. Fairchild. Watts. Floyd. Wirtz. Witt. Lewis. McMillin. Wood. Woods. Murphy.

Absent.

Pollard.

Ridgeway.

Absent-Excused.

Holbrook.

Stuart.

H. B. No. 132 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 132, A bill to be entitled "An Act to incorporate Farmersville Independent School District in Collin County, Texas, for free school purposes only; defining its boundaries; divesting the city of Farmersville of the control of its public free schools and of its school property and vesting the same in said independent school district and its board of trustees; providing that all funds belonging or owing to said city school inure to the benefit of said independent school district and that all contracts made by the board of trustees of said city schools shall be carried out by the board of trustees of said independent school district, but that said district shall never be liable for any indebtedness of said city; providing for a board of trustees for said district and prescribing the rights, powers and duties of said independent school district, and declaring an emergency.'

The bill was read third time and passed by the following vote:

Yeas-25.

Bailey. Darwin.
Baugh. Davis.
Bledsoe. Doyle.
Bowers. Fairchild.
Burkett. Floyd.
Clark Lewis.
Cousins. McMillin.

Murphy. Watts.
Parr. Wirtz.
Rice. Witt.
Rogers. Wood.
Strong. Woods.
Turner.

Absent.

Pollard.

Thomas.

Absent—Excused.

Holbrook. Ridgeway. Stuart.

H. B. No. 133 on Third Reading.

The Chair laid before the Senate as regular order on its third reading and final passage,

H. B. No. 133, A bill to be entitled "An Act to create the Plano Independent School District in Collin County, Texas, including the present Plano Independent School District and the Finger-ring Common School District of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Plano Independent School District shall continue to act as such until their successors are elected as provided herein; divesting the city of Plano of the control of the public schools of the district, as created by this Act, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas-25.

McMillin. Bailey. Baugh. Murphy. Parr. Bledsoe. Rice. Bowers. Rogers. Burkett. Strong. Clark Turner. Cousins. Darwin. Watts. Wirtz. Davis. Witt. Doyle. Fairchild. Wood. Woods. Floyd. Lewis.

Absent.

Pollard.

Thomas.

Absent-Excused.

Holbrook. Ridgeway. Stuart.

H. B. No. 135 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 135, A bill to be entitled "An Act creating the Balmorhea Independent School District in Reeves County, Texas; defining its boundaries, including the present Common School District No. 4; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebted-ness heretofore voted in La Loma Common School District No. 4; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas-25.

McMillin. Bailev. Murphy. Baugh. Parr. Bladsoe. Rice. Bowers. Rogers. Burkett. Strong. Clark Turner. Cousins. Watts. Darwin. Wirtz. Davis. Witt. Doyle. Fairchild. Wood. Woods. Floyd. Lewis.

Absent.

Pollard.

Thomas.

Absent-Excused.

Holbrook. Ridgeway. Stuart.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 139, A bill to be entitled "An Act to amend Section 2 of House Bill No. 606 of the Laws passed at the Regular Session of the Thirty-eighth Legislature, 1923, by changing the time and terms of holding court in the Sixty-third Judicial District so that Section 2 of said Act shall hereafter read as follows, and declaring an emergency.

The bill was read third time and passed by the following vote:

Yeas-25.

| Bailey. | McMillin. |
|------------|----------------|
| Baugh. | Murphy. |
| Bledsoe. | Parr. |
| Bowers. | Ric e . |
| Burkett. | Rogers. |
| Clark. | Strong. |
| Cousins. | Turner. |
| Darwin. | Watts. |
| Davis. | Wirtz. |
| Doyle. | Witt. |
| Fairchild. | Wood. |
| Floyd. | Woods. |
| Lewis. | |

Absent.

Pollard.

Thomas.

Absent—Excused.

Holbrook. Ridgeway. Stuart.

H. B. No. 144 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 144, A bill to be entitled "An Act creating the Hopewell Independent School District in Smith County, Texas; defining its boundaries, including the present Common School District No. 24; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees com- the appointing of a board of equali-

ing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in Hopewell Common School District No. 24; providing for the appointment of a tax assessor and collector and board of equalization for said district; and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas-25.

| Bailey. | McMillin |
|------------|----------|
| Baugh. | Murphy. |
| Bledsoe. | Рагг. |
| Bowers. | Rice. |
| Burkett. | Rogers. |
| Clark. | Strong. |
| Cousins. | Turner. |
| Darwin. | Watts. |
| Davis. | Wirtz. |
| Doyle. | Witt. |
| Fairchild. | Wood. |
| Floyd. | Woods. |
| Lewis. | |

Absent.

Pollard.

Thomas

Absent-Excused.

Holbrook. Ridgeway. Stuart.

H. B. No. 150 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 150, A bill to be entitled "An Act creating the Indian Creek Independent School District in Roberts County, Texas, and defining its boundaries; providing for the creation of a board of trustees to manage and control the public free schools within said district; their mode of election and tenure of office; conferring upon said trustees all the rights, powers and privileges and imposing all the duties now conferred and imposed by the General Laws of the State upon independent school districts and the board of trustees; providing for the raising of revenues, issuing bonds, and levying, assessing and collecting taxes, for building and maintaining public free schools in said district; providing for posed of seven persons, and provid- zation; providing for the filling of

vacancies of such board; for the election of superintendents and other employees, and the compensation of the members of said board; for a seal and its use and for the administration of oaths by the president and secretary; for the assessment and collection of taxes, and the regulation of same, for the maturity and for a lien and foreclosure upon the property for taxes; adopting the provisions of existing and hereinafter enacted State laws; providing for all laws in conflict herewith are repealed and that invalidity of any portion hereof shall not impair the remainder of this Act.

The bill was read third time and passed by the following vote:

Yeas-25.

| D = 21 | | 34-34:112 |
|------------|---|-----------|
| Bailey. | | McMillin. |
| Baugh. | | Murphy. |
| Bledsoe. | | Parr. |
| Bowers. | | Rice. |
| Burkett. | | Rogers. |
| Clark. | | Strong. |
| Cousins. | | Turner. |
| Darwin, | | Watts. |
| Davis. | | Wirtz. |
| Doyle. | | Witt. |
| Fairchild. | | Wood. |
| Floyd. | 4 | Woods. |
| Lewis. | | |

Absent.

Pollard. Ridgeway.

Thomas.

Absent-Excused.

Holbrook.

Stuart.

H. B. No. 165 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 165, A bill to be entitled "An Act to validate Simmons Common School District No. 7. in Grayson County, Texas, as re-defined and re-established by order of the county school trustees of Grayson County, Texas, on February 12, 1923, and Common County Line School District No. 8, as re-defined and re-estab-lished by an order of the county school trustees of Grayson County, Texas, on February 12, 1923, and by an order of the county school trus- Pollard. tees of Collin County, Texas, on Feb- Ridgeway.

ruary 13, 1923, and declaring an emergency.

The bill was read third time and passed by the following vote:

Yeas-25.

McMillin. Bailey. Murphy. Baugh. Parr Bledsoe. Rice. Bowers. Rogers. Burkett. Strong. Clark. Turner. Cousins. Darwin. Watts. Wirtz. Davis. Witt. Doyle. Wood. Fairchild. Woods. Floyd. Lewis.

Absent.

Pollard. Ridgeway. Thomas.

Absent—Excused.

Holbrook.

Stuart.

H. B. No. 178 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 178, A bill to be entitled "An Act creating Herring Hightower County Line Independent School District, embracing therein territory in Parker and Hood Counties: defining its boundaries and its powers, and authority and providing for its organization under the General Laws."

The bill was read third time and passed by the following vote:

Yeas-25.

Bailey. McMillin. Baugh. Murphy. Bledsoe. Parr. Rice. Bowers. Burkett. Rogers. Strong. Clark. Cousins. Turner. Watts. Darwin. Wirtz. Davis. Witt. Dovle. Fairchild. Wood. Floyd. Woods. Lewis.

Absent.

Thomas.

Absent-Excused.

Holbrook.

Stuart.

H. B. No. 181 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 181, A bill to be entitled "An Act validating Common School District No. 3 of Bailey County as defined and attempted to be created by the county board of school trustees of Bailey County on February 14, 1921, and validating all bond issues and special taxes which may have been voted by said district, and providing for an election to adjust all territory therein contained or which may have been added to said district by the said order, to taxes which may have been theretofore levied upon the property of said Common School District No. 3 and for an assumption by said common school district of the pro rata of taxes to which any territory added to said district by said order of February 14, 1921, may be subject by reason of any outstanding bond issue or issues previously voted by any school district or school districts of which such added territory may have theretofore formed part, and declaring an emergency.

The bill was read third time and passed by the following vote:

Yeas-25.

| Dailer | McMillin. |
|------------|-----------|
| Bailey. | |
| Baugh. | Murphy. |
| Bledsoe. | Parr. |
| Bowers. | Rice. |
| Burkett. | Rogers. |
| Clark. | Strong. |
| Cousins. | Turner. |
| Darwin. | Watts. |
| Davis. | Wirtz. |
| Doyle. | Witt. |
| Fairchild. | Wood. |
| Floyd. | Woods. |
| Lewis. | |

Absent.

Pollard. Ridgeway, Thomas.

Absent-Excused.

Holbrook. Stuart.

H. B. No. 190 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 190, A bill to be entitled "An Act correcting the boundaries of the present Hale Center Independent School District; providing for payment of bonds issued by the present district; limiting area to be furnished free transportation, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas-25.

| Bailey. | McMillin |
|------------|----------|
| Baugh. | Murphy. |
| Bledsoe. | Рагг. |
| Bowers. | Rice. |
| Burkett. | Rogers. |
| Clark. | Strong. |
| Cousins. | Turner. |
| Darwin. | Watts. |
| Davis. | Wirtz. |
| Doyle. | Witt. |
| Fairchild. | Wood. |
| Floyd. | Woods. |
| Lewis | |

Absent-Excused.

Pollard. Ridgeway. Thomas.

Absent.

Holbrook.

Stuart.

H. B. No. 197 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage

H. B. No. 197, A bill to be entitled "An Act amending Section 8 of Chapter 44, Local and Special Laws of the Regular Session of the Thirty-eighth Legislature of the State of Texas, creating the Southland Independent School District in the counties of Garza, Lynn and Lubbock in the State of Texas, so as to change said section of said law to provide for the issuance of bonds for building purposes in said district to bear interest not to exceed 6 per cent per annum, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas-25.

Bailey. McMillin. Baugh. Murphy. Parr. Bledsoe. Bowers. Rice. Burkett. Rogers. Strong. Clark. Turner. Cousins. Watts. Darwin. Davis. Wirtz. Doyle. Witt. Fairchild. Wood. Floyd. Woods. Lewis.

Absent.

Pollard. Ridgeway. Thomas.

Absent-Excused.

Holbrook.

Stuart.

H. B. No. 205 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and

final passage,

H. B. No. 205, A bill to be entitled "An Act amending H. B. No. 616, enacted into law at the Regular Session of the Thirty-eighth Legislature, by which Union Hill Independent School District in Swisher County was created, so as to increase the territory contained in said district and defining the boundary thereof; defining more fully the powers of said district and the board of trustees; providing for the continuing in office of the continuing in trustees of Union Hill Consolidated Common School District in Swisher County as trustees of this, its immediate succeeding district; providing for an election to adjust all territory contained in said district as herein created, which may have been added to this district or to Union Hill Consolidated Common School District to adjust any school bond taxes or special school taxes theretofore voted by Union Hill Consolidated Common School District, and for the assumption by said Union Hill Independent School District of its pro rata of taxes payable by any added territory on account of any outstanding bond issues existing against school districts or which such added territory may have heretofore formed a part; providing for the adding of additional territory by the trustees of said district, and declaring an emergency.

The bill was read third time and passed by the following vote:

Yeas-25.

Bailey. McMillin. Baugh. Murphy. Bledsoe. Parr. Bowers. Rice. Burkett. Rogers. Clark. Strong. Cousins. Turner. Watts. Darwin. Wirtz. Davis. Doyle. Witt. Fairchild. Wood. Floyd. Woods. Lewis.

Absent.

Pollard. Ridgeway. Thomas.

Absent-Excused.

Holbrook.

Stuart.

H. B. No. 213 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 213, A bill to be entitled "An Act enlarging Woodson Independent School District of Throckmorton and Stephens counties; defining the boundaries and prescribing the powers thereof; and for the assumption by said district of the bonded indebtedness now existing against the present Woodson Independent School District and for adjusting the territory of said district as enlarged to such special taxes as may have been voted by the present said district."

The bill was read third time and passed by the following vote:

Yeas-26.

Bailey. McMillin. Baugh. Murphy. Bledsoe. Parr. Bowers. Pollard. Burkett. Rice. Clark. Rogers. Cousins. Strong. Darwin. Turner. Davis. Watts. Doyle. Wirtz. Fairchild. Witt. Floyd. Wood. Lewis. Woods.

Absent.

Ridgeway.

Thomas.

Absent-Excused.

Holbrook.

Stuart.

H. B. No. 215 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 215, A bill to be entitled "An Act validating Common School District No. 11, Bailey County, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas-26.

| Bailey. | McMillin. |
|------------|-----------|
| Baugh. | Murphy. |
| Bledsoe. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Clark. | Rogers. |
| Cousins. | Strong. |
| Darwin. | Turner. |
| Davis. | Watts. |
| Doyle. | Wirtz. |
| Fairchild. | Witt. |
| Floyd. | Wood. |
| Lewis. | Woods. |
| | |

Absent.

Ridgeway.

Thomas.

Absent-Excused.

Holbrook.

Stuart.

H. B. No. 218 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 218, A bill to be entitled "An Act creating Westover Independent School District of Baylor County; defining the powers of said district; providing for the organization of said district; providing for the election to determine whether the several outstanding obligations which may exist against the several portions of territory embraced in this district shall be assumed in whole and pro rata by this district and taxes levied upon the property of this district; to provide for such indebtedness and the pro rata thereof, and declaring an emergency."

The bill was read third time and Lewis. passed by the following vote:

Yeas-27.

| Bailey. | Murphy. |
|------------|----------|
| Baugh. | Parr. |
| Bledsoe. | Pollard. |
| Bowers, | Rice. |
| Burkett. | Rogers, |
| Clark, | Strong. |
| Cousins, | Thomas. |
| Darwin. | Turner. |
| Davis. | Watts. |
| Doyle. | Wirtz. |
| Fairchild. | Witt. |
| Floyd. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Ridgeway.

Absent—Excused.

Absent

Holbrook.

Stuart.

H. B. No. 222 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 222, A bill to be entitled "An Act creating and establishing the Lindsey County Independent School District in Lubbock and Hockley Counties, Texas; defining its boundaries; providing for the election of boards of trustees to manage and control the schools of said district; authorizing said district to issue bonds, and to assume the payment of parts of the outstanding indebtedness against the school district affected by this Act; and investing said district with the rights, powers, privileges and duties of independent school districts organized or existing under General Laws of the State, and declaring an emergency.'

The bill was read third time and passed by the following vote:

Yeas-27.

Murphy. Bailey. Parr. Baugh. Pollard. Bledsoe. Rice. Bowers. Rogers. Burkett. Strong. Clark Thomas. Cousins. Darwin. Turner. Watts. Davis. Wirtz. Doyle. Fairchild. Witt. Wood. Floyd. Woods. McMillin.

Absent.

Ridgeway.

Absent-Excused.

Holbrook.

Stuart.

(Senator Strong in the Chair.)

H. B. No. 60-Recalled from House.

Senator Burkett moved to reconsider and recall H. B. No. 60 from the House for the purpose of correcting.

The motion prevailed.

H. B. No. 34 on Passage to Third Reading.

The Chair laid before the Senate as pending business, on its passage to third reading,

H. B. No. 34, providing penalties for carrying deadly weapons while violating the prohibition laws, with pending amendment by Senator Rogers.

Senator Rogers withdrew the amendment and offered the following amendment to the bill:

Amend H. B. 34, page 232, Section 2, line 5, by adding after the word "same," the following: "or who shall combine, aspire or act with others in the matter of committing an assault upon any person or the taking of any person in their custody, or the threatening to inflict corporal punishment upon any person."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas-13.

Burkett, Clark, Darwin, Doyle, Fairchild, Floyd, Parr.
Pollard.
Rogers.
Strong.
Thomas.
Watts.

Murphy.

Nays--9.

Baugh. Bledsoe. Bowers. Davis.

McMillin. Rice. Wood. Woods.

Lewis.

Present-Not Voting.

Cousins.

Witt.

Absent.

Bailey. Ridgeway. Turner. Wirtz.

Absent-Excused.

Holbrook.

Stuart.

Senator Rogers offered the following amendment to the bill:

Amend the caption by adding after the word "person," third line, page 23, of the Senate Journal, the following: "while committing an assault, unlawful arrest or threatening any person, or."

The amendment was adopted. H. B. No. 34 was then passed to third reading.

H. B. No. 34—Motion to Suspend Rule.

Senator Murphy moved to suspend the constitutional rule requiring bills to be read on three several days in each House and that H. B. No. 34 be put on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary

four-fifths majority:

Yeas-16.

Baugh. Floyd. Burkett. Murphy. Clark. Parr. Cousins. Pollard. Darwin. Rogers. Davis. Strong. Watts. Dovle. Fairchild. Wood.

Nays-7.

Bledsoe. Bowers. Lewis. McMillin. Rice. Thomas. Woods.

Absent.

Bailey. Ridgeway. Turner. Wirtz. Witt.

Absent-Excused.

Holbrook.

Stuart.

S. B. No. 70 on Second Reading.

The Chair laid before the Senate as regular order, on second reading, S. B. No. 70, A bill to be entitled

"An Act amending Article 7583, Chapter 12, Title 126 of the Revised Civil Statutes of the State of Texas of 1911, relating to assessment of property for taxation and the compensation to be paid assessors for making assessments."

The bill was read second time, and on motion of Senator Fairchild was laid on the table subject to call.

S. J. R. No. 4 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading, S. J. R. No. 4, Authorizing and providing for the exchange between the State of Texas acting by the Board of Prison Commissioners and the Hermann Hospital Estate of certain lands situated in Fort Bend County, Texas, and authorizing the Board of Prison Commissioners to execute and accept such conveyances as may be necessary to effect same.

The bill was read the second time, and laid on the table subject to call.

S. B. No. 97 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading. S. B. No. 97, A bill to be entitled "An Act creating and establishing the Lamb County Independent School District No. 1, of Lamb County; defining its boundaries; providing for election of board of trustees to manage and control the schools of said district; authorizing said district to issue bonds, and to assume a part of the outstanding indebtedness of the Littlefield Independent School District, and of the Olton Independent School District: and investing said district with all the rights, powers, privileges and duties of independent school districts organized or existing under the General Laws of the State of Texas."

The bill was read the second time, and laid on the table subject to call.

H. B. No. 222—Recalled from the House.

On motion of Senator Bledsoe, H. B. No. 222 was reconsidered and recalled from the House for correction.

Recess.

On motion of Senator Clark, the Senate at 9:30 p. m. recessed until 10 o'clock a. m. tomorrow.

Morning Session.

(Sunday, May 13, 1923.)

The Senate met at 10 o'clock a. m. and was called to order by Lieutenant Governor T. W. Davidson.

H. B. No. 210 on Second Reading.

The Chair laid before the Senate as regular order, on second reading.

H. B. No. 210, A bill to be entitled "An Act amending Section 35, Article 7355 of the Revised Civil Statutes of Texas, 1911, providing for an occupation tax on coin operated vending machines, such as phonographs, electrical piano, electric battery, graphophone, weighing machine or other like machines or instruments where a fee is charged, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time, and the committee report carrying the following amendments was adopted:

(1)

Amend House Bill No. 210 by striking out the words and figures "ten (\$10) dollars" wherever they appear in the bill, and in lieu thereof insert the words "five (\$5) dollars."

Amend House Bill No. 210 by adding after Section 1 a new section to be numbered 1a, and to read as

follows: "All laws and parts of laws in conflict herewith are hereby repealed."

The bill was then passed to third reading.

S. B. Nos. 3, 29 and 92—Free Conference Committees Requested.

Senator Wood called up and moved that the Senate do not concur in the House amendments to Senate Bills Nos. 3, 29 and 92, but that a Free Conference Committee be requested for each of said bills.

The motion was adopted.

H. B. No. 60-Vote Reconsidered.

On motion of Senator Burkett, the vote by which H. B. No. 60 was finally passed, was reconsidered.

Senator Burkett offered the following amendment to the bill:

Amend H. B. No. 60 by adding thereto a new section as follows:

"Sec. 1a. Provided further that the authority herein granted and duties hereby imposed shall only extend to such time as the State shall have by law, taken over the maintenance and control of all highways constructed by State and Federal aid, either or both. It being contemplated that so soon as sufficient revenue shall accrue, the State Highway Department shall take over the control and maintenance of such roads."

The amendment was adopted. Question: Shall the bill pass?

S. B. No. 3-Conference Committee Appointed.

The Chair (Lieutenant Governor T. W. Davidson) announced the appointment of the following on the Free Conference Committee on the part of the Senate on S. B. No. 3: Senators Wood, Darwin, Rogers, Bowers and Lewis.

S. B. No. 29—Conference Committee Appointed.

The Chair (Lieutenant Governor T. W. Davidson) announced the appointment of the following on the Free Conference Committee on the part of the Senate on S. B. No. 29: Senators Woods, Cousins, Murphy, Bledsoe and Thomas.

S. B. No. 92—Conference Committee Appointed.

The Chair (Lieutenant Governor T. W. Davidson) announced the appointment of the following on the Free Conference Committee on the part of the Senate on S. B. No. 92: and Witt.

H. B. No. 11-Free Conference Committee Appointed.

Senator Burkett moved that the Senate grant the request of the House for a Free Conference Committee on H. B. No. 11.

The motion was adopted.

In accordance with the above motion, the Chair (Lieutenant Governor T. W. Davidson) announced the appointment of the following committee on the part of the Senate: Senators Burkett, Turner, Parr, Pollard and Baugh.

Message from the House.

Hall of the House of Representatives, Austin, Texas, May 12, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 32, A bill to be entitled "An Act making appropriations for the State Government for two years beginning September 1, 1923, and ending August 31, 1925, and for other purposes and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency," with substitute amendments.

House refuses to concur in Senate amendments to H. B. No. 32 and requests the appointment of a Free Conference Committee to adjust the differences between the two Houses.

House has concurred in Senate amendments to H. B. No. 33.

House has concurred in Senate amendments to H. B. No. 20.

H. B. No. 23, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next two fiscal years ending August 31, 1924, and August 31, 1925, respectively; allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools Senators Davis, Watts, Rice, Doyle in accordance with the conditions herein specified; providing how such

schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over five hundred scholastics shall receive such aid; giving preference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent school from meeting stated requirements; providing assistance for such rural schools as will afford instruction and demonstration in home and farm vocations, according to plans approved by the State Department of Education: providing assistance for small districts which effect consolidation during two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith," with engrossed riders.

The following committee is appointed on part of the House on H. B. No. 32: Dinkle, Abney, Potter, Jennings and Bell.

The House grants the request of the Senate for a Free Conference Committee on S. B. No. 32. The following committee is appointed on part of the House: Quaid, Hardin of Erath, Henderson of Marion. Cowen and Teer.

Concurred in Senate amendments to H. B. No. 177 by a vote of 100 yeas, 4 nays.

House grants the request of the Senate to return H. B. No. 60, and returns the bill herewith.

Refuses to concur in Senate amendments to H. B. 11 and requests the appointment of a Free Conference Committee to adjust the differences between the two Houses.

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay the salaries of officers and em-

tutions and other expenses of maintaining and conducting them as follows, to-wit: University of Texas. including the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso, Agricultural and Mechanical College, State Experimental Stations, Prairie View Normal and Industrial College, John Tarleton Agricultural College, Grubbs Vocational College, Promotion of Vocational Education, College of Industrial Arts, Sam Houston State Teachers College at Huntsville, Southwest Texas State Teachers College at San Marcos, North Texas State Teachers College at Denton, West Texas State Teachers College at Canyon, East Texas State Teachers College at Commerce, Sul Ross State Teachers College at Alpine, Stephen F. Austin State Teachers at Nacogdoches, College School for the Blind, and Texas School for the Deaf, for the years beginning September 1, 1923, and ending August 31, 1925, and declaring an emergency," with amendments.

S. B. No. 29, A bill to be entitled "An Act making certain emergency and supplimental appropriations out of the general revenues of the State Government as named herein for the balance of the fiscal year ending August 31, 1923, and declaring an emergency," with amendments.

S. B. No. 92, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on the taking effect of this Act; and declaring an emergency," with amendments.

H. B. No. 172, A bill to be entitled "An Act creating the Parks Independent School District in Stephens County, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rghts, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the boards of trustees thereof: providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of ployees of certain educational insti- seven persons, and providing for the

election and qualification of said trustees; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

H. B. No. 180, A bill to be entitled "An Act taking certain territory from Common School District No. 22 in Hall County and transferring the same to Common School District No. 6 in Hall County; providing for an election at which the qualified tax paying voters of said Common School District No. 6 thus enlarged may determine whether it shall assume and be taxed to pay the pro rata portion of the taxes which the said added territory may be subject to on account of any outstanding schoolhouse bond issues previously made by said District No. 22; and whether the property in said Common School District No. 6, as enlarged, shall be subject to any special school taxes previously voted by said district; and whether the property of such district as so enlarged shall be subject to taxes for the support of any previous bond issue by said Common School District No. 6; providing for the defining of the boundary lines of said district as thus enlarged; specifying the jurisdiction which the county board of trustees shall have with respect to the boundaries of the territory of such enlarged district, and declaring an emergency."

H. B. No. 188, A bill to be entitled "An Act creating the Whiteflat Independent School District in Motley County, Texas; defining the boundaries thereof; vesting the management thereof in a board of seven trustees, providing for their election, and for the organization of the board; vesting said district with all the rights, powers, privileges and duties of a town or village incorporated under the laws of the State for free school purposes only; vesting the board of trustees with the rights, powers, privileges and duties conferred and imposed by the General Laws of this State upon trustees of independent school districts incorporated under the General Laws of the State of Texas; providing for the appointment of an assessor and collector of taxes and board of equalization; divesting the title to all property heretofore and now vested in Common School District No. 7, Motley County, Texas, out of said district, and vesting same in the board of trustees of Whiteflat Independent School District; declaring in full force and effect all fourth Legislature, as amended by

maintenance tax heretofore voted or bonds heretofore issued by Common School District No. 7, Motley County, Texas, to be in full force and effect in so far as this Act might affect them, and declaring an emergency."

H. B. No. 199, A bill to be entitled "An Act creating and incorporating the Quitaque Independent School District of Briscoe County, Texas, for free school purposes only, defining its boundaries, vesting it with all the rights, powers, duties and privileges of independent school districts under the General Laws of Texas pertaining thereto; providing for a board of trustees, raising of revenue by taxation, issuing bonds and maintaining public free schools therein; vesting all lands, buildings, property owned other now and held for free school purposes, by Quitaque Common School District; providing that all outstanding indebtedness, whether bonded or otherwise of the Quitaque Common School District, shall be validated and held a valid obligation against the Quitaque Independent School District; declaring valid a maintenance and bond tax heretofore voted by said Quitaque School District, and repealing all other Acts and laws in conflict herewith."

H. B. No. 206, A bill to be entitled "An Act creating the Taylor Independent School District in Swisher County, Texas; defining its boundaries and authorizing said district to add territory; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts, and naming of its first board of trustees and for the election of their successors; investing said district with all the property rights and the assumption of all obligations of the Taylor Common School District No. 19; providing for the appointment of a board of equalization and tax assessor and collector for said district, and declaring an emergency."

H. B. No. 216, A bill to be entitled "An Act extending the boundary of and adding territory to Happy Independent School District in Randall and Swisher Counties as heretofore created by Chapter 23 of the Acts of the ThirtyChapter 2 of the Acts of the First Called Session of the Thirty-fourth Legislature: defining the boundaries of said district as here extended; continuing the present board of trustees of said district in office for the remainder of their respective terms and until their successors shall have been duly elected and qualified; providing for an election to adjust the territory added to such district, and taxes which may now be levied upon said independent school district of the pro rata of the taxes payable upon the property contained in such added territory on account of any outstanding bond issues which may exist against such territory, and declaring an emergency."

H. B. No. 223, A bill to be entitled "An Act creating and incorporating the Grassland Independent School District in Lynn County, Texas, out of territory now comprising the Grassland Common School District No. 21 of Lynn County, as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Grassland Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 21. of Lynn County, validating and continuing in force any and all taxes heretofore voted and now in force in such Common School District; providing that title to any and all property of said Common School District shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions hereof, and declaring an emer-

The following are appointed on the

part of the House for the Free Conference Committee on H. B. No. 11: Bonham, Pope, Hull, Wilson and Jones.

The House has granted the request of the Senate on S. B. No. 3 for a Free Conference Committee and the following are appointed on part of the House: Quaid, Edwards, Baker of Milam, Collins and Cable.

The House grants the request of the Senate on S. B. No. 92 for a Free Conference Committee and the following are appointed on the part of the House: Smith, Jennings, Wallace, Arnold and Fields.

The House grants the request of the Senate for a Free Conference Committee on S. B. No. 29, and the following committee is appointed on part of the House: Henderson of Marion, Moore, Dodd, McNatt and Sanford.

C. L. PHINNEY,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair (Lieutenant Governor T. W. Davidson) had referred, after their captions had been read, the following House bills:

H. B. No. 223, to the Committee on Educational Affairs.

H. B. No. 172, to the Committee on Educational Affairs.

H. B. No. 216, to the Committee on Educational Affairs

H. B. No. 206, to the Committee on Educational Affairs.

H. B. No. 199, to the Committee on Educational Affairs.

H. B. No. 188, to the Committee on Educational Affairs.

H. B. No. 180, to the Committee on Educational Affairs.

H. B. No. 23, to the Committee on Finance.

Bill Signed.

The Chair (Lieutenant Governor T. W. Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 20.

Adjournment.

On motion of Senator Murphy, the Senate, at 11:30 a. m., adjourned until 9:30 a. m. tomorrow.

APPENDIX.

Committee Reports.

Senate Chamber, Austin, Texas, May 12, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 47 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber, Austin, Texas, May 12, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 109 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber, Austin, Texas, May 11, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 45 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber, Austin, Texas, May 11, 1923. Hon. T. W. Davidson, President of the Senate

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 31 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber, Austin, Texas, May 11, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. C. R. No. 16 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,
Austin, Texas, May 11, 1923.
Hon. T. W. Davidson, President of the
Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. J. R. No. 3 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber, Austin, Texas, May 11, 1923. Hon. T. W. Davidson, President of the Senate

Senate.
Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 56 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber, Austin, Texas, May 11, 1923. Hon. T. W. Davidson, President of the

Senate.
Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 67 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber, Austin, Texas, May 11, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 72 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber, Austin, Texas, May 11, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 68 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber, Austin, Texas, May 11, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared

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S. B. No. 55 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber, Austin, Texas, May 11, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 37 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber.

Austin, Texas, May 11, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 36 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber.

Austin, Texas, May 11, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 34 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber.

Austin, Texas, May 11, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 53 and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, May 12, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 95, A bill to be entitled forcement of this Act and authorizing the commissioners' court to appropriate moneys out of the general funds to pay expenses incurred in the administration of this Act; pro-

viding for the sale of commodities by State standards of weight or measure; providing for the sale of hay by weight; establishing a standard for bread sold in loaves; providing penalties for the enforcement of this law; repealing certain Statutes; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and that it be printed in the Senate Journal and not otherwise.

TURNER, Chairman.

Committee Room.

Austin, Texas, May 12, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 61, A bill to be entitled "An Act recognizing certain agricultural, vegetable and fruit crops and live stock as being the basis of the agricultural resources of the State and declaring insect pests, plant diseases, rodent, wild animal pests that depredate upon such crops a menace; defining the words, insecticide,' 'standard 'standard fungicide.' 'poisoned baits,' and 'disinfectant,' making it the duty of the Commissioner of Agriculture of this State to destroy and eradicate such pests as far as possible; authorizing the Commissioner of Agriculture to quarantine against any area without the State infested by dangerous insect pests, plant disease and other pests; authorizing the Commissioner of Agriculture quarantine any area within the State found to be infested with any dangerous insect pest, plant disease, lodent, wild animal or other pests and authorizing him to require remedial measures to be undertaken within such quarantine area for the eradication of such pests and the prevention of damage; providing for the commissioners' courts of the counties to hold public hearings to make recommendation to the Commissioner of Agriculture in the enforcement of this Act and authorizing the commissioners' court to appropriate moneys out of the general

viding penalties for violation of this Act, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed in the Senate Journal.

COUSINS, Chairman.

Committee Room,

Austin, Texas, May 12, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance,

to whom was referred

H. B. No. 23, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next two fiscal years, ending August 31, 1924, and August 31, 1925, respectively; allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished, and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over five hundred scholastics shall receive such aid; giving perference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent schools from meeting stated requirements; providing assistance for such rural schools as will afford instructions and demonstration in home and farm vocations, according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during the next two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public

Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith.

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 13, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 180, A bill to be entitled "An Act taking certain teritory from Common School District No. 22 in Hall County and transferring the same to Common School District No. 6 in Hall County; providing for an election at which the qualified tax paying voters of said Common School District No. 6 as thus enlarged may determine whether it shall assume and be taxed to pay the pro rata portion of the taxes which the said added territory may be subject to on account of any outstanding schoolhouse bond issues previously made by said District No. 23; and whether the property in said Common School District No. 6, as enlarged, shall be subject to any special school taxes previously voted by said district; and whether the property of such district as so enlarged shall be subject to taxes for the support of any previous bond issue by said Common School District No. 6; providing for the defining of the boundary lines of said district as thus enlarged; specifying the jurisdiction which the county board of trustees shall have with respect to the boundaries of the teritory of such enlarged district; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 13, 1923. Hon. T. W. Davidson, President of the Senate.

We, your Committee on Educational Affairs, to whom was referred H. B. No. 223, A bill to be entitled "An Act creating and incorporating the Grassland Independent School District in Lynn County, Texas, out of territory now comprising the Grassland Common School District No. 21, of Lynn County, as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees; their election, terms of office, qualification. powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Grassland Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 21, of Lynn County; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal of said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions hereof, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, May 13, 1923.
Hon. T. W. Davidson, President of
the Senate.

We, your Committee on Edu-Sir cational Affairs, to whom was referred H. B. No. 188, A bill to be entitled "An Act creating the Whiteflat Independent School District in Motley County, Texas; defining the boundaries thereof; vesting the management thereof in a board of seven trustees; providing for their election, and for the organization of the board; vesting the said district with all the rights, powers, privileges and duties of a town or village incorporated under the laws of the State for free school purposes only; vesting the board of trustees with the rights, powers, privileges and duties conferred and imposed by the General Laws of this State upon trustees of Independent school districts incorporated under the laws of the State of Texas; providing for the appointment of an assessor and collector of taxes and board of equalization; divesting the title to all property heretofore and now vested in Common School District No. 7, Motley County, Texas, out of said district, and vesting same in the board of trustees of Whiteflat Independent School District; declaring in full force and effect maintenance tax heretofore voted or bonds heretofore issued by Common School District No. 7, Motley County, Texas, to be in full force and effect in so far as this Act might affect them, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room, Austin, Texas, May 13, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 172, A bill to be entitled "An Act creating the Parks Independent School District in Stephens County, Texas; defining its boundaries; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General

Laws upon independent school districts and the board of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons and providing for the election and qualification of said trustees; providing for the appointment of a tax assessor and collector and board of equalization for said district; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 13, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 199, A bill to be entitled "An Act creating and incorporating the Quitaque Independent School District of Briscoe County, Texas, for free school purposes only; defining its boundaries, vesting it with all the rights, powers, duties, and privileges of independent school districts under the General Laws of Texas pertaining thereto; providing for aboard of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein; vesting all lands. buildings and all other property now owned and held for free school purposes, by Quitaque Common School District, in the Quitaque Independent School District; providing that all outstanding indebtedness, whether bonded or otherwise, of the Quitaque Common School District, shall be validated and held a valid obligation against the Quitaque Independent School District; declaring valid a maintenance and bond tax heretofore voted by said Quitaque Common School District, and repealing all other Acts and laws in conflict herewith."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 13, 1923. Hon. T. W. Davidson, President of

the Senate. Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 206, A bill to be entitled "An Act creating the Taylor Independent School District in Swisher County, Texas; defining its boundaries, and authorizing said district to add territory; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and naming of its first board of trustees and for the election of their successors; investing said district with all property rights and the assumption of all obligations of the Taylor Common School District No. 19; providing for the appointment of a board of equalization and tax assessor and collector

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

for said district; and declaring an

emergency."

WOOD, Chairman.

Committee Room,

Austin, Texas, May 13, 1923. Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 216, A bill to be entitled "An Act extending the boundary of and adding territory to Happy Independent School District in Randall and Swisher Counties. as heretofore created by Chapter 23 of the Acts of the Thirty-fourth Legislature, as amended by Chapter 2 of the Acts of the First Called Session of the defining Thirty-fourth Legislature; the boundaries of said district as here extended; continuing the present board of trustees of said district in continuing the present office for the remainder of their respective terms and until their successors shall have been duly elected and qualified; providing for an election to adjust the territory added to such district, and taxes which may now be levied upon the said independent school district as heretofore bounded, and for an assumption by the said independent school district of the prorata of the taxes payable upon the property contained in such added territory on account of any outstanding bond issues which may exist against such territory; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 141, A bill to be entitled "An Act authorizing and empowering the city of Perryton, in Ochiltree County, Texas, to close certain streets; to narrow and reduce in width certain other streets; to, by ordinance, make provision for settlement and adjustment of property rights with owners of property adjacent to and affected by said changes; and validating all ordinances by said city heretofore passed in connection therewith."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

DAVIS, Chairman.

TWENTY-SECOND DAY.

Senate Chamber, Austin, Texas.. Monday, May 14, 1923.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey. Cousins.
Baugh. Darwin.
Bledsoe. Davis.
Bowers. Doyle.
Burkett. Fairchild.
Clark. Floyd.

| Holbrook. | Strong. |
|-----------|---------|
| Lewis. | Stuart. |
| McMillin. | Thomas |
| Murphy. | Turner. |
| Parr. | Watts. |
| Pollard. | Wirtz. |
| Rice. | Witt. |
| Ridgeway. | Wood. |
| Rogers. | Woods. |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator S. on,

(See Appendix for committee reports, petitions and memorials.)

Simple Resolution No. 40.

By Senator Wood:

Resolved that the Senate Chamber be open at 2:30 p. m. May 18, 1923, to the Hon. Aaron Sapiro to address the farmers and business men of this section of the State on the important subject of cooperative marketing of farm products.

The resolution was read and adopted.

H. C. R. No. 11.

The Chair laid before the Senate, H. C. R. No. 11, as follows:

Whereas, Steps are being taken to establish a great State or National park in the Davis Mountains in Jeff Davis County, and

Whereas, There are public school and asylum lands withing said county that will come on the market for sale before arrangements can be made to investigate and outline said Davis Mountain Park site, and

Whereas, If the said lands should be sold by the State while inspection and plans for establishing said park are in progress parties would probably buy said lands with a view of

profiteering on said park;

Therefore, Be it resolved by the House of Representatives, the Senate concurring, that the Commissioner of the General Land Office is hereby authorized and directed to withhold sale of the public lands within Jeff Davis County until January 1st, 1924, and if in the meantime a State Park Committee should outline an area for a Davis Mountain Park the Commissioner of the General Land Office is authorized and directed to withhold